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MARCH 3, 1978

HE NEW PHASE IN
HE ABORTION BATTLE
—see page 279

# NATIONAL REVIEW

## THE REHABILITATION OF THE B-1

An Analysis

Chilean Spring?

JEFFREY HART

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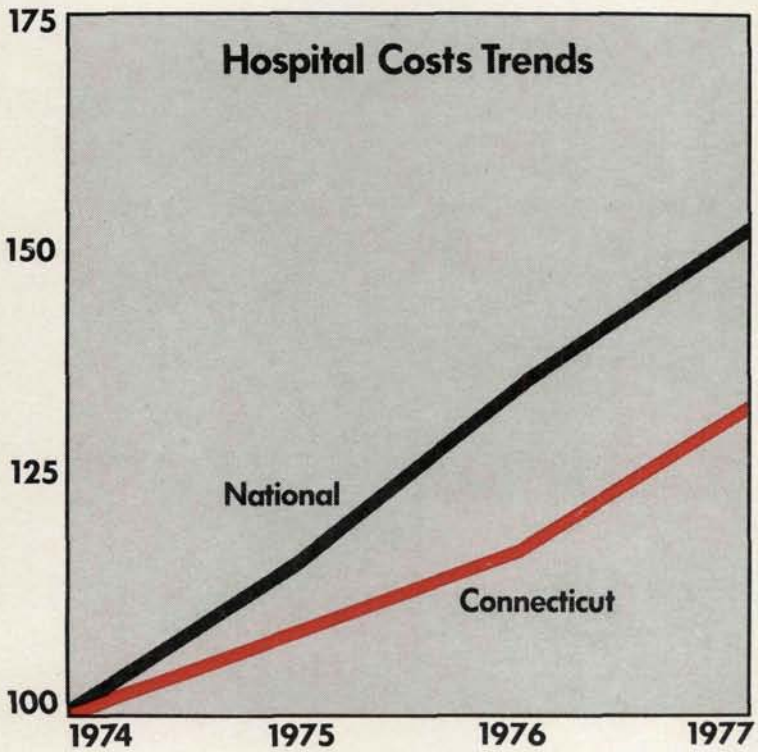


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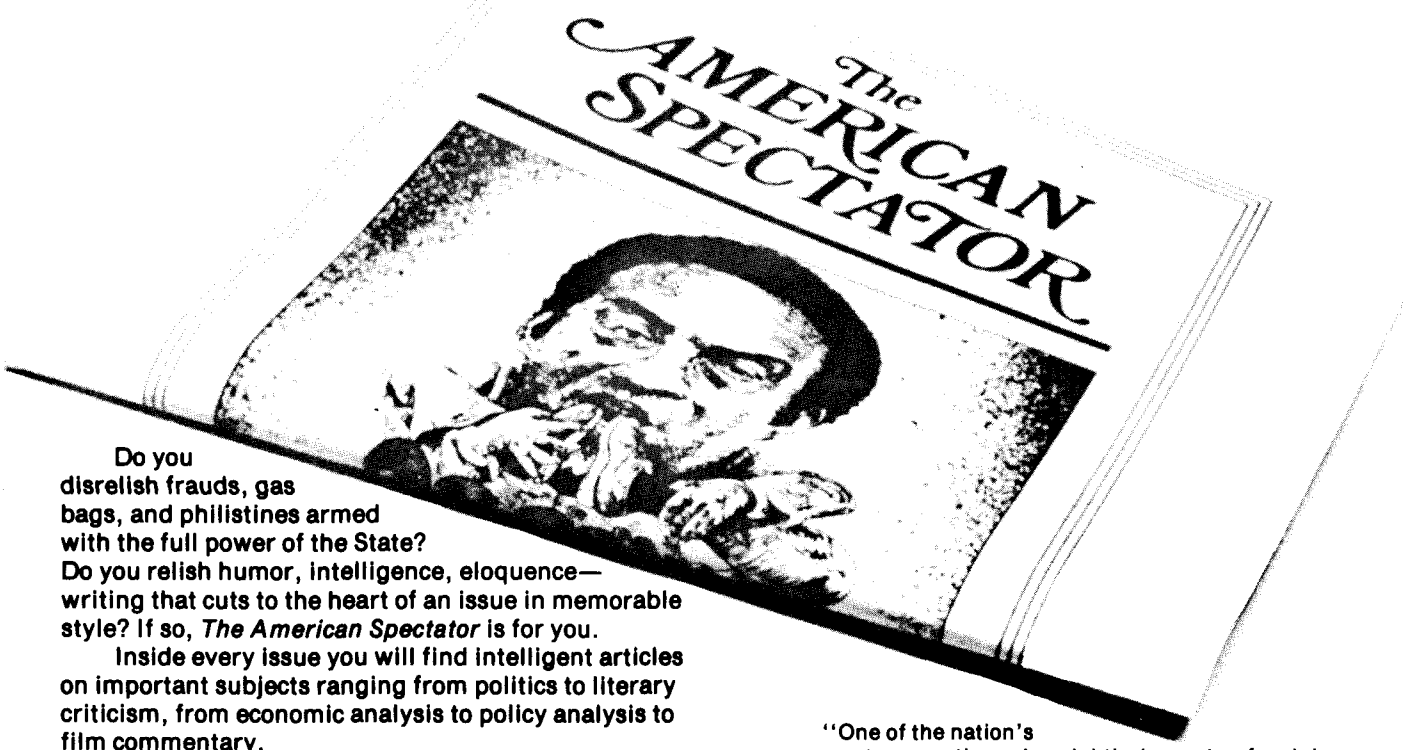
*William F. Buckley, Jr.*

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# NATIONAL REVIEW

MARCH 3, 1978
VOL. XXX, No. 9
ISSN: 0028-0038

HART
Page 270

ROBERTSON
Page 266

NOONAN
Page 279

FRANTZELL
Page 281

HAZELTON
Page 290

SOBRAN
Page 283

## ARTICLES

266 **The Rehabilitation of the B-1**

The President's decision to scrap the B-1 bomber seemed sensible on the face of it: the cruise missile, far less expensive, appeared an adequate, even ideal, weapon for penetrating Soviet defenses. Unfortunately, the issue is by no means so simple. The missile has drawbacks and vulnerabilities, while the bomber has special virtues of its own. And the B-1's costs have been exaggerated. *Maurice Robertson*

270 **Chilean Spring?**
Chile is no longer a country: it is an international media symbol of torture, repression, violated human rights, and so forth. An *NR* senior editor recently set foot on Chilean soil, and reports on the experience. *Jeffrey Hart*

277 **Feeding the Sheep**
In the Protestant Episcopal Church in the United States of America, "schism has come —but the debate rages over who are the schismatics." *Daniel Oliver*

278 **The French Marmite**
The Socialist-Communist coalition is splitting even before its widely expected electoral victory—and the prospects for victory are dimming as a result. *Nicholas King*

279 **New Phase in the Battle**
In 1973 the Supreme Court announced that abortion was a constitutional right. Since then, lower courts have virtually held that opposing abortion is subversive, and failure to subsidize it a dereliction of governmental responsibility. Now, however, the tide is turning. *John T. Noonan Jr.*

281 **Tales of Nadis**
How West Germany catches spies—by computer. *Lennart Frantzell*

## BOOKS ARTS & MANNERS

283 **Taking the Fourteenth**
Raoul Berger's *Government by Judiciary* protests the perversion of the Fourteenth Amendment, and condemns those who try to weasel out of responsibility to the clear intention of the Framers, a.k.a. "the dead hand of the past." *M. J. Sobran Jr.*

286 **The Inevitable President**
A new, partially successful biography of the reluctant secessionist, Jefferson Davis. *M. E. Bradford*

287 **Mind and Manner**
A. J. Ayer has written a laconic, value-free autobiography. You expected Rousseau, maybe? *James Burnham*

288 **Top-Heavy**
In *Daniel Martin*, John Fowles departs from his usual form and betrays his usual virtues. *Ronald De Feo*

289 **Grade AA Extra-Large**
Ingmar Bergman's *The Serpent's Egg* attempts political awareness, and produces science fiction. *John Simon*

290 **Wineries Unlimited**
Vino, vino, everywhere—from Michigan to Arkansas—and man, oh Manischewitz! *Nika Hazelton*

291 **Health Food**
It's enough to make you sick. *D. Keith Mano*

248 **Letters**
254 **For the Record**
255 **The Week**
265 **The Protracted Conflict**
272 **NR Cartoons**
282 **From the Academy**
294 **Dark Horses**
298 **On the Right**
300 **Trans-O-Gram**

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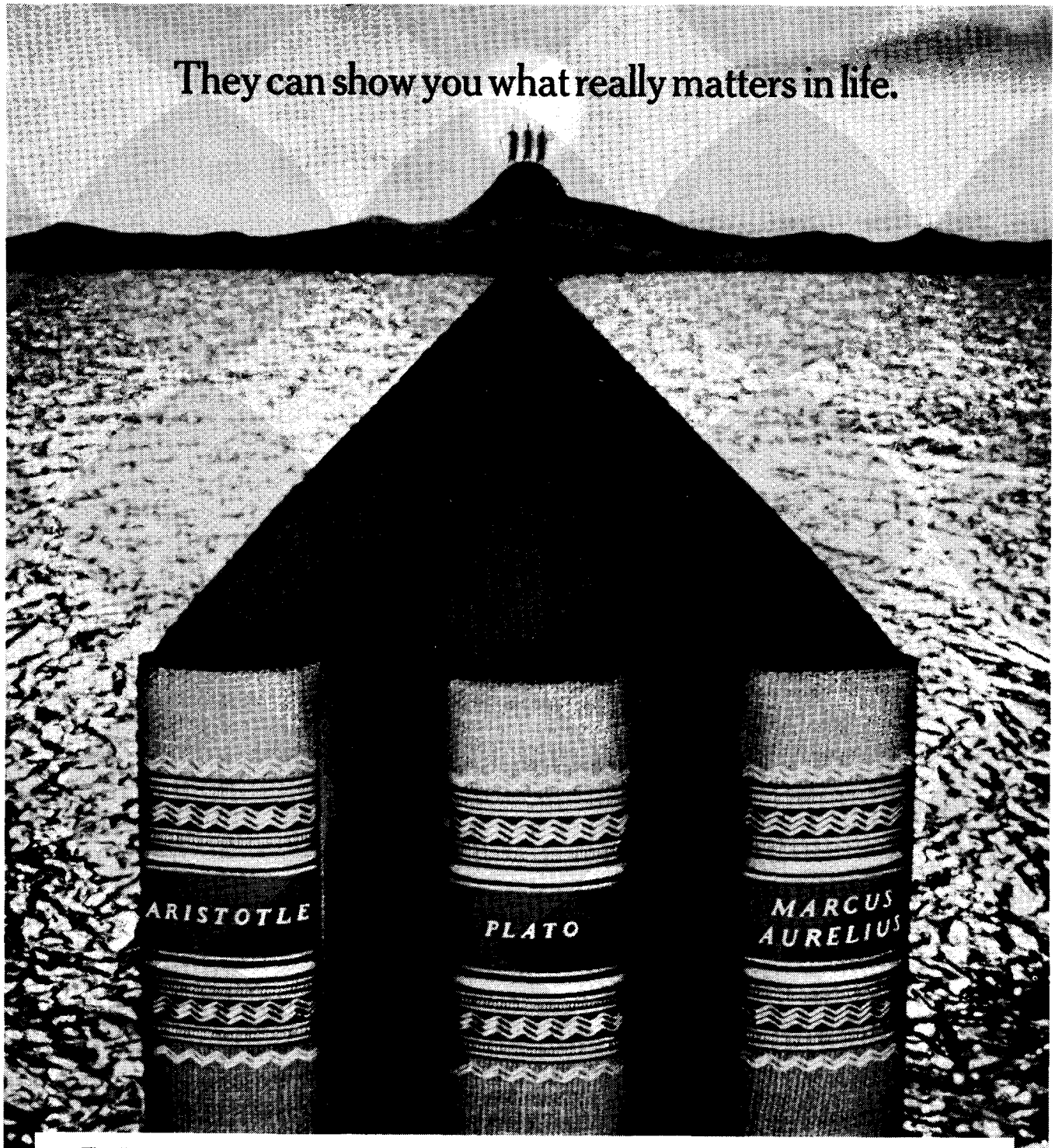


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# Letters

## The Great Debate

I'm delighted that you printed the major portions of the Buckley-Reagan debate [Feb. 17]. In fact, I'm sorry there wasn't room for the cross-examination as well. This was the conservative media event of the decade. However, I very much doubt that, as was hinted in your "For the Record" recently, it will provide the format for the next presidential debates, for what extant politician—except of course Mr. Reagan himself—could speak coherently under that kind of pressure? I can see it now: each candidate backed by a team of speechwriters to draft the rebuttals while the cross-examination is going on.

More important than the form of the debate, though, was the substance. And I'm inclined to think that, for a true picture of the treaty situation, we need not one or the other of these points of view, but both of them. We need to be reminded of the responsibilities of a great nation, and of the fact that our real enemy is and will remain the Soviet Union. We need to be reminded too of the possible scenarios that the Panamanian government—or, say, the Cuban government with the Panamanians' tacit collusion—might follow if it wished to close the Canal, and the consequences for us and our South American allies.

Here, as in any true exchange of ideas, the whole was indeed greater than the sum of the parts.

*New York, N.Y.* OSCAR ROTHSTEIN

## At Stake in Jerusalem

Malachi Martin's essay on Jerusalem and its importance to Moslems as well as Jews [Jan. 20] is provocative. It is particularly important for Americans to understand that the adherents of the third great biblical religion, Islam, also have deep religious values at stake in the future of Jerusalem.

However, Jerusalem has also had several centuries of Christian rule. And, at least from one perspective, Christians have a deeper interest in Jerusalem than all the rest, since what we believe happened there —Incarnation, Atonement, Resurrection— defies comparison in its cosmic magnitude.

Although I did not join in signing the pro-Israel statement, and agree with Martin that God's interest in the Jews does not require Christians to support the state of Israel, there are many reasons why Americans cannot allow Israel to be suppressed. Conservative (or "fundamentalist," if you prefer) Protestants feel so strongly about the need to stand with the Jews, even with non-believing secular Jews, on any life-or-death issue that American policy will almost inevitably be tilted in favor of Israel. I happen to believe that it should be, but more important is the fact that it will be. This is something of which others involved in the discussion should take note, lest, misjudging America's probable reaction, they think that they can deal with Israel harshly without unleashing a struggle of global dimensions.

*Deerfield, Ill.* HAROLD O. J. BROWN

## The Enemy and Us

The uncommon perspicacity of S. T. Cohen and E. F. Black's "SALT and the Public Law" [Jan. 20] probably arises from one particular insight of theirs, made only indirectly, about the Soviet Union. Speaking about the USSR, Cohen and Black quoted both Winston Churchill and Admiral Perry as using the word "enemy." No wonder their article was superb, based on such a hard, cold fact: the Soviet Union is our enemy. Enemies, being irreconcilable, naturally seek each other's destruction. The Soviets obviously know this. Does President Carter?

*Placentia, Calif.* ROBERT K. OLSEN

Only a small part of our people is actively conscious of the need—of which "SALT and the Public Law" reminds us—to maintain the defense of our country. In this regard democracies are at a disadvantage compared to dictatorships, in which the decision-maker considers it his duty—and also his pleasure—to be concerned with the more distant future.

The article of Cohen and Black draws attention to the disproportion between the casualties we and the Soviets would suffer in a nuclear war, as a consequence of the differences in our levels of preparation. And this leads to another problem to which we would like to call attention: What should, or could, our President do if the USSR put its city evacuation plans into effect—admittedly, this would take about two days and we would know about it—and then made some demand on our country, such as dissolution of the NATO alliance, or the return of Alaska? They could threaten to kill 50 per cent of our population in case we do not accede to their demand, whereas our "retaliation" would destroy less—probably a good deal less—than 5 per cent of theirs. Faced with such a danger, our President would be forced to give in.

We feel, therefore, that it is imperative for us to develop a civil defense posture at least paralleling that of the USSR. This would mean, of course, the abandonment



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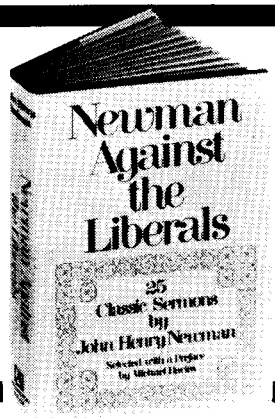


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—John Henry Newman

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Msgr. Philip Flanagan, former rector of the Scots College in Rome, contributes an Introduction that is notable for its analysis of Newman's theory of doctrinal development, and how it clashes with the Modernist caricature.

"Does not our kindness too often degenerate into weakness, and thus become not Christian Charity, but lack of Charity, as regards the objects of it? Are we sufficiently careful to do what is right and just, rather than what is pleasant? . . . [Our kindness] is uncharitable in two ways, indulging those who should be chastised, and preferring their comfort to those who are really deserving. We are over-tender in dealing with sin and sinners. We are deficient in jealous custody of the revealed Truths which Christ has left us."

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of the "Mutual Assured Destruction" doctrine. This would have a beneficial effect on international relations in general: surely, a peace in which neither of the two parties can destroy the other creates a better atmosphere than if one of the parties can.

EUGENE P. WIGNER
Professor, Department of Physics
Princeton University
WALTER MURPHEY
Editor
*Starke, Fla.* *Journal of Civil Defense*

As Clare Boothe Luce writes in her excellent "The High Human Price of Detente" [Nov. 11], detente is about the voluntary U.S. retreat from geopolitical power and the U.S. acceptance of the geopolitical advance of Soviet Russia. That advance will not halt before America's borders, because the "ultimate Marxist-Leninist goal—[the] historically determined Marxist-Leninist goal—is world revolution." Only the active pursuit of this can explain the almost superhuman effort and the enormous sacrifice which have gone into the most massive military buildup of all time. The Soviets can hardly sustain this forever; besides, they cannot afford to give the U.S. time for some technological breakthrough, which could reduce or even nullify their present tremendous superiority. The situation is indeed similar to that of 1939, down to a returning Chamberlain—in this case, Nixon triumphantly waving a paper, back in 1972, claiming to have achieved peace for the West for the foreseeable future. Only there is today no Britain to hold the fort till we are ready.

Soviet weaknesses, about which James Burnham writes in "Through the Mirror," will in my opinion not be a hindrance to the Soviets but rather a spur. Being industrially uncompetitive is an invitation to destroying the competitor. The unreliability of their allies and some of their own republics would certainly be a problem in a long war, but they are not planning for a long war.

*Turner, Ore.* R. E. FORBES

## Notes from the South

Re your editorial "Political Priorities" [Sept. 16]: I can scarcely believe that a news magazine published in New York would present the views of the Southwest so succinctly. You covered every point except one. Someday soon, a senator from the populous Northeast, will decide that Dallas can do without air conditioning so Buffalo can stay warm. Surely that will be sufficient cause to start Civil War II.

*Midland, Tex.* GERRY CALHOUN

I grow increasingly distraught! We all know New York to be a delightfully provincial place, but I begin to fear that this same whimsical perverseness is affecting NATIONAL REVIEW. I am an avid reader of *NR* and, yes, I even feel a certain theoretical propinquity to its editor. Lately, however, I have noticed what seems to be an anti-Southern tone to your otherwise excellent magazine's commentaries on the current Washington junta (e.g., Cato, Jan. 20). This cuts us deeply! Will all of you at NATIONAL REVIEW *please* remember that Messrs. Carter, Powell, Jordan, et al. are maladroits *not* because they are Southerners, but rather in *spite* of it.

*Dallas, Tex.* REV. JACK E. ALTMAN III

## The Monstrous Regiments

I was a bit disturbed by J. J. Kilpatrick's report from the Houston Women's Conference [Dec. 23]: disturbed not by the substance, but by the tone—as who should say, The ladies, God bless 'em. It seemed to me that they deserved more alarm.

Or at least anger. There are few things more annoying than to have someone with whom you emphatically disagree claiming to speak for you. Those of us who are both young and female have gone through that experience twice on a national scale: during the late Sixties when assorted hippies were speaking for everyone under thirty; and now, when, from one side, Abzug/Friedan/Steinem and, from the other side, some of Phyllis Schlafly's more extreme sisters are telling us what all women must want.

Now, to his credit, Mr. Kilpatrick understands this intellectually: "Which of the two assemblies was the more representative of American women? . . . Probably neither one was wholly representative." I guess what I was wishing for was a little more supportive indignation at the assumption among the public at large that one or the other group was representative.

*St. Louis, Mo.* MAUREEN CARBERY

I suggest there exists a serious question as to whether the Congress possessed the legal right to underwrite the cost of the ERA Convention in Houston. But on this point there is *no* question: clearly, Congress had no *moral* right to use the taxpayer's money for such a purpose. That this action should be endorsed by the President casts a further doubt upon the moral and ethical philosophy he propounds.

I submit that the President and Congress assumed a responsibility unique in U.S. history when, for reasons purely political, they helped create a conference that endorsed lesbianism.

*Carlisle, Pa.* F. E. MASLAND JR.

The accounts of the goings-on at the Women's Conference in Houston sent me

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into alternate spasms of hysterical laughter and acute nausea. As a firm believer in the right of everyone to act according to his own principles, always bearing in mind that his (if anyone objects to my use of the alleged masculine pronoun, that merely shows his ignorance of English grammar) actions must never in any way infringe upon the rights of others, the railroading that the ladies maneuvered at Houston was offensive.

Probably I will be in some danger of contradiction from the ultra-feminists, but as the beloved Al Capp once said, "I am against jackassery wherever I find it."

*Tempe, Ariz.* MRS. MARION C. SCHNEIDER

### Fallibility

In "The Week" [Nov. 25] you ran an item comparing Archbishop Lefebvre, in his defiance of the Pope, to Hans Küng "and other modernizers." How can you equate the Archbishop with these modern so-called theologians? They are trying to destroy the very fiber of the Church, whereas the Archbishop is attempting to preserve it. Papal authority? Are we to follow blindly like sheep, bleating, "Right or wrong, my Pope"? One wonders if the present pontiff is really running the Church; or is it run by a troika of cardinals surrounding him, and shielding him?

*Minneapolis, Minn.* CASPER J. CHOUINARD

When Archbishop Lefebvre was dedicating the American headquarters of his society he said, "We want to follow the Pope, but when he does not follow the 262 other Popes we do not follow him." This is reminiscent of a statement made in 1713 when Pope Clement XI issued the Bull *Unigenitus* condemning the Jansenist heresy. Bishop Noailles of Châlons in France, who with some other bishops was pro-Jansenist, said, "If the Pope is in error in straying from the traditions of his See, it is he who is parting company with the Church." Today Jansenism is just a name, and its doctrinal errors are all but forgotten. Most of the countless splinter groups which have broken off from the Catholic Church over the past two thousand years have disappeared quickly. We may reasonably expect that Archbishop Lefebvre's movement will fade in the same way while the Church continues to flourish.

*Malverne, N.Y.* MARTIN W. HELGESEN

### Points

Re "For the Record" [Nov. 25] it was Charles *Marion*, not "Manlo," who was kidnapped for 82 days. Also, while I have


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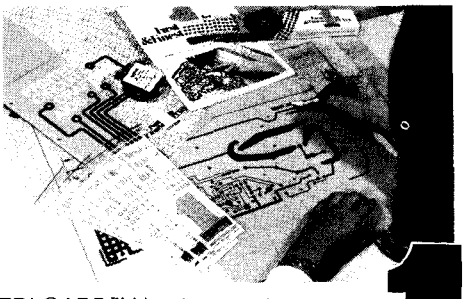

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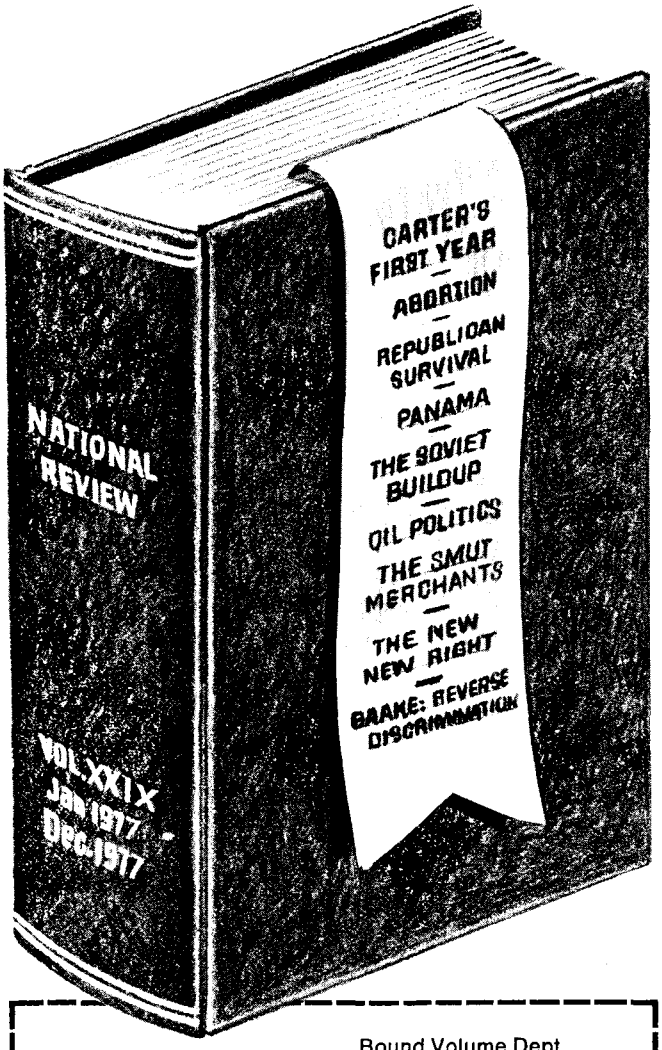


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pen in hand, our most gracious Sovereign, Queen Elizabeth, did not make her remarks concerning her salad days "in St. Paul's Cathedral," but at the luncheon in the Guild Hall. I implore you to set this right, or I must resort to AIM!

*Kingsville, Ont.* REV. JAMES STEVENSON

### Calling Ralph Naderski

According to Andrew Young ["The Week," Jan. 20], the Soviet Union guarantees the economic rights of its citizens in a manner which may be equated with the protection of civil and political rights in the United States.

If so, I have no doubt that, just as many Americans have filed lawsuits against state, local, and federal agencies to enforce their rights, so Soviet citizens must have filed suits against Soviet agencies. However, I have not been able to learn anything about such suits. Of course, I have heard of the *samizdat*, but I do not think they are quite the same thing.

*San Francisco, Calif.* NICHOLAS ALAGA

### Big Storm

Your championing ["The Week," Dec. 9] of William Tucker's bit of hackery in favor of the Storm King power project is disappointing.

I don't know any of these "leisure-class citizens" who are supposed to be opposing the project out of pure selfishness. I do know quite a few little-leisure people who oppose it for various reasons—and I would bet that a higher proportion of us read NATIONAL REVIEW than you would find among the supporters of Storm King power.

Storm King Mountain is a pretty crumbly, leaky knob—come thaws or wet weather, we find springs trickling all around it. Does that sound like a suitable site for a dam and reservoir above our village? Also, how do you seal a reservoir blasted out of such rock? We'll be having polluted Hudson River water seeping into our local water table continually. (We *did* have an excellent local water supply; now its quality has fallen off because of Con Edison's preliminary work. Of course, we're supposed to be able to tap the New York aqueduct—but why destroy a functioning source of good water?)

Also, if the Storm King project goes through, we can expect months of heavy truck traffic, damaged roads, general dirt and confusion. We settled here because it was a quiet, self-contained, beautiful place; some of us have better than three hundred years of roots in this valley.

But now you tell us we're "undiluted examples of contemporary liberalism"—just because we do not pant to wet-nurse Consolidated Edison and the somewhat wormy Big Apple. Will you please show your license to make such judgments?

JOHN R. ELTING

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# FOR THE RECORD

■ According to **Gallup**, opinion in America has now swung toward ratification of the **Panama Canal** treaties. In the late January sounding, Americans supported ratification 45 to 42 per cent; three months ago, 48 per cent were opposed. . . . **Kevin Phillips** says he flat-out doesn't believe those figures, points to other polls (NBC-CBS, *NY Times*, etc.) which show country still against the treaties. . . . **Howard Phillips** of the Conservative Caucus, which has spearheaded much of anti-treaty campaign, concedes the opposition is 12 votes shy of beating the accords. He plans to put special pressure on a number of still undecided senators; Republicans **Schweiker**, **Wallop**, **Lugar**, **Roth**, and **Bellmon**, and Democrats **Randolph**, **Nunn**, **Talmadge**, **Russell Long**, **Burdick**, **Cannon**, and **Johnston**. . . . In the House, **219 members**—over half—have signed a resolution demanding that the House be allowed to vote on the treaties since they involve the transfer of U.S. property.

■ More trouble is in the offing for **Jimmy Carter** on SALT. **John Lehman**, former deputy director of the U.S. Arms Control and Disarmament Agency, has taken a nose count in the Senate, finds that as of now thirty Republicans would vote against SALT II—that's just four short of the votes needed to kill it. . . . **Evans & Novak** report growing Oval Office dissatisfaction with Disarmament Czar **Paul Warnke**, not only for his performance in the direct negotiations with the Soviets, but for his open—and vocal—opposition to the sale of F-15s to Saudi Arabia. . . . Another Administration feud in the making, reports the *Washington Post*, between National Security Advisor **Brzezinski** and UN Ambassador **Andrew Young**. It's over priorities: Brzezinski worries most about Soviet-Cuban adventurism in Africa; Young worries most about U.S. fence-mending with the front-line African states.

Garland, *London Daily Telegraph* Rothco

■ Campaign time is upon us. Sen. **Muriel Humphrey** (**HHH**'s widow) says she'll make up her mind by April whether to run for the remaining four years of Humphrey's term. If Muriel Humphrey decides to go, it could be bad news for liberal congressman **Don Fraser** who was intending to announce for Humphrey's seat. . . . Minnesota, incidentally, will be electing two senators in November. Sen. **Wendell Anderson** (the former governor) appointed himself to **Fritz Mondale**'s seat when Mondale was elected VP. . . . In Pennsylvania, sacked U.S. Attorney **David Marston** indicates he may make a race for governor. . . . In Texas, **Hank Grover**, who came within 100,000 votes of winning the gubernatorial race against Democratic **Dolph Briscoe** in 1972, plans to challenge Sen. **John Tower** in November, running as an independent. . . . In Louisiana, conservative State Rep. **Woody Jenkins** is challenging incumbent Democrat **Bennett Johnston**. Jenkins is attacking Johnston on his defense votes (anti B-1, for South Korean pullout) and for various high spenderies. . . . A great brouhaha has developed in Massachusetts over advisability of a challenge to GOP Sen. **Edward Brooke** (a liberal of liberals) by TV talk show star **Avi Nelson** in the Republican primary. State Chairman **Gordon Nelson** (no relative) opposes a primary battle, but Avi won't be deterred, says Chairman **Jim Murphy** of the Friends of Avi Nelson.

■ Some conservative tidbits: **Gloria Toote**, a conservative black woman lawyer from New York, lost out in her attempt to replace **Mary Crisp** as co-chairman of the Republican National Committee. . . . *NR*'s man in Washington, **John Coyne**, brings out a new book this spring about his years as vice presidential (**Agnew**, **Ford**) and presidential (Ford, **Nixon**) speechwriter, as yet untitled. It is, he says, about "the decline and fall of me." . . . And a meeting, in Washington's Hyatt-Regency Hotel (March 16 to 19): the **Conservative Political Action Conference**, sponsored by the ACU, YAF, in cooperation with *Human Events* and NATIONAL REVIEW. . . . Luminaries will include **Ronald Reagan**, **Phyllis Schlafly**, **James L. Buckley**, and **Arthur Finkelstein** plus Sens. **Helms**, **Laxalt**, **Garn**, **McClure**, **Hatch**, and Reps. **Philip Crane** and **John Ashbrook**.

■ *NR*'s Understatement of the Week headline award goes to the following: "MURDER COMPOUNDS FAMILY'S TRAGEDY"



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# THE WEEK

■ We'll sleep a lot better tonight knowing the Justice Department has been cleared of all wrongdoing in the Marston affair. By the Justice Department.

■ Dinh Ba Thi has left our shores, denouncing the "slanderous fabrication" that he was engaged in espionage against the U.S. while serving as UN ambassador. And not only were his two pals, Ronald Humphrey and David Truong, subjected to similar fabrications, they were also caught red-handed by dubious means: electronic surveillance, warrantless wiretapping, sneaky stuff like that. Truong wants his bail reduced, and he has lots of friends here to vouch for him: Ramsey Clark, Robert Drinan, Noam Chomsky, etc. Clark wrote an affidavit vouching for the Vietnamese Truong, whom he knew in the anti-freedom movement: "I found him to be an extremely sensitive and compassionate human being who suffered greatly throughout the Vietnam War. His veracity, character, reliability, and sense of responsibility are of the highest quality. I have found him to be dependable and mature." Dumb, ain't he?

■ Last month Federal District Judge Arthur Garrity—the man who helped make Boston's schools what they are today—enjoined against the sale of oil and gas exploration leases for the Georges Bank off Cape Cod, on the grounds that "irreparable" ecological harm would ensue. Now a Mr. Paul McBride has written a letter, published in the *Wall Street Journal*, bringing to light data that would, if he were capable of surprise, surprise Garrity. Between 1950 and 1974 the total annual fish catch in Massachusetts declined from 591 to 268 million pounds. There was no oil or gas exploration in the area at that time. During the same period the fish catch in Louisiana increased 400 per cent, in the midst of intensive offshore oil and gas development. In 1974 the petroleum industry contributed less than 0.2 per cent to the total estimated number of fish killed in the United States; municipal operations—principally sewage disposal—were responsible for 92 per cent of all fish killed. Nor is the oil and gas industry's now excellent record merely an accident. In 1965 it caused about 15 per cent of the fish kill; the drastic reduction of this figure—by 98 per cent—resulted from a major effort on their part.

■ Thanks a Lot Dept.: The Chicago Urban League, in its annual report, has said: "While it would be incorrect to maintain that all black people have failed to make progress over the past decade, the fact is that there are just as many poor families as there were ten years ago. . . . Most sons of poor men will fail to rise above the status of their fathers and most daughters of disadvantaged women will inherit the bitter lot of their mothers. Without genuine relief the urban poor can reasonably [sic] be expected to riot again," as they did in the mid-Sixties: "Our large cities are in much the state they were in in 1965 when the poor of Watts put the torch to the most accessible symbols of their disadvantage."

■ Who thought in 1972 that the routine burglarizing of the offices of the Democratic National Committee would end by unraveling an Administration and unmaking a President? But out of acorns grow spreading oaks—a point made recently by columnist William Safire, who believes that the highly provocative "Marston affair" is just beginning. "The scandal," he says, "is catching its breath." Even as Stephen Elko, a former aide to Congressman Daniel Flood (D., Pa.) recently convicted on bribery charges, is putting a federal grand jury wise to political shenanigans in Pennsylvania and elsewhere, the Senate Judiciary Committee is preparing to hold confirmation hearings on the appointment of Benjamin Civiletti, presently the Justice Department's Criminal Division Chief, to the post of Deputy Attorney General. And because of the publicity given the accusations recently leveled at Dan Flood and his alleged collaborator in corruption, Congressman Joshua Eilberg (D., Pa.), Mr. Civiletti is certain to be asked to explain at the hearings how it is that he and his chief deputy cannot agree on when they learned that Eilberg was being investigated for irregularities by federal authorities in Pennsylvania. (It was this investigation that Eilberg tried to halt by manipulating President Carter into firing District Attorney Marston.) Of course, some senators on the Judiciary Committee are likely to treat Civiletti with kid gloves. But as Safire says, "If questions are raised . . . serious oversight must follow, including special counsel; at the same time, the House Ethics Committee may get into the 'Marston affair'; and then the great gold curtain will go up on a spectacle Mr. Carter's politicized Justice Department has been trying to conceal."

■ Uncle Sam, everyone's favorite arbiter of state conflicts, has proposed an out-of-court settlement to Indian land claims in Maine: $30 million cash, $1.7 million a year for 15 years, and 300,000 acres with options on 200,000 more. That averages out to a comfortable $13,870 and 125 acres per Indian, since the plaintiffs are 4,000 members of two small tribes. Not exactly the Sioux nation. The Indians claimed 12.5 million acres (60 per cent of Maine) and $25 billion in compensation. They believe the land was illegally sold one hundred years ago, violating a 1790 treaty which barred states



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from making deals with tribes without congressional approval. Maine officials and private landowners were not amused. Attorney General Joseph E. Brennan called the proposal "irresponsible and indefensible." Said State Representative Richard J. Carey: "I would favor going to court. There's where this case should be. Not in a meeting on somebody's peanut farm."

■ On March 7 the voters of Tennessee will act on several constitutional amendments proposed by the regular constitutional convention that met last fall. One of the proposals is an amendment to set constitutional limits on the state's taxing and spending authority. The amendment reflects the improvement and streamlining of the concept in the five years since the prototype was developed in California, and the campaign for the tax-limitation proposal is making good use of lessons learned, the hard way, in other states and other years. With luck, Tennessee may become the first state in which the voters gain control of the purse and put an end to the disproportionate growth of state and local spending.

■ Margaret Thatcher, stepping onto ground that has been considered no man's land ever since Enoch Powell's political career fell wounded there, told a television interviewer last month that, if the Conservative Party came to power, it would promise "a clear end" to nonwhite immigration. Her remarks raised the Conservatives 13 points in the opinion polls and provoked a fortnight's storm of protest, leading her, wisely, to qualify her statement: "We have to work toward the ending of immigration in this country," she now says, but "we must honor in full our legal commitments to United Kingdom passport-holders . . ." In this dispute Thatcher has one great advantage: the overwhelming majority of English people agree with her. Unlike Powell, moreover, she does not emanate any fanatical vibrations.

■ Our man in Mexico writes: "The State Department and the *New York Times* seem to have things pretty well lined up for a replay of their joint triumph in Cuba twenty years ago—the replacement of a dictator friendly to the United States by a far worse one who is also a stooge of the Communists. The replay is being arranged in Nicaragua with Anastasio Somoza in the role of Batista and the Sandinist Liberation Front taking the part of Castro's forces. In fact, they *are* Castro's forces, having been trained and financed by Cuba. It seems plain that the overthrow of Somoza would create a power vacuum into which only the Sandinista troops are ready to rush. Democratic forces in Nicaragua have no armed forces, just as Democratic forces in Cuba had none. Maybe this time," our correspondent concludes, "the State Department could think first and act later, taking into account the probable results of their action." He has a point. A third alternative, something between a Somoza and a Castro, is what one would choose given the option, but in Cuba that option wasn't available. Is it in Nicaragua?

■ One hundred representatives from seventy U.S. companies, including Singer Sewing Machine and Levi Strauss, have just left for a visit to Cuba. Aside from the fact that this is the largest U.S. trade delegation to descend on the island since Fidel Castro installed himself in power in 1959, Castro must find it especially pleasing that American capitalists give no sign of allowing a minor detail like his invasion of Africa to deter them from doing business.

■ The Center for Strategic and International Studies, at Georgetown University, has issued a study by Professor Chester A. Crocker, inaugurating the CSIS's new program dealing with Third World countries. The study, *From Rhodesia to Zimbabwe: The Fine Art of Transition*, takes a level and dispassionate look at the political choices that must be made in Salisbury, London, and Washington in order to "brake Rhodesia's graceful slide toward disaster." The thirty-page study is available for $2 from CSIS, 1800 K Street N.W., Washington, D.C. 20006. And it's no coincidence that the February 4 issue of *The New Republic* carries a long article on the CSIS, noticing Henry Kissinger's association with it, and its steadily rising influence as a foreign policy think-tank. The CSIS likes to think of itself as "conservative" but not "right-wing," and *The New Republic* describes its policies as not only "hard-line," but—dig this—"brilliantly" hard-line. Hm. For that matter, HMMMM.

■ Is your *Daily World* subscription in good order? In keeping with what they call "the spirit of the time," the Soviets have requested that the International Olympic Committee permit them to bar from the 1980 Moscow Olympics those radio, television, and newspaper representatives who are "hostile to the spirit of peace and friendship between people."

■ Termite Department, Cultural Subversion Division, Office of Propaganda. Behold, Sophie: remember that splendid little novel, *Sounder*, about the Negro lad who grows in wisdom? At one point a teacher who befriends and inspires him lends him a copy of the essays of Montaigne (1533-1592, French, white, classicist, conservative). In due course a movie was made out of the book, and guess what volume is loaned the boy in the movie? Selected writings of W. E. B. Dubois (1868-1963, American, black, polemicist, revolutionist, Commie).

■ Eric Goldman, reviewing Charles Lindbergh's *Autobiography of Values*, takes the man to task for holding "extreme" positions, such as the opinion that "the assumed equality of men" is a "serious error." Could this



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be the offending passage?—"For all men are not created equal, and the Founding Fathers, a group of elitists themselves, knew this perfectly well. If all men were created equal, all of us would be Newtons, Einsteins, Beethovens, or Rembrandts. Genius is a rare commodity. . . ." If Lucky Lindy had written that, he would have been slammed from coast to coast. As luck would have it, the passage was written by Harold Schonberg, music critic of the *New York Times*, writing in the very issue (February 5) where Professor Goldman attacks Lindbergh's "extremism." We take the middle position, ourselves: stuff it, Goldman—Lindbergh and Schonberg are both right.

■ The FDA has also decided that grocers must store food at least six inches off the ground, not five, not seven. Put a can on the floor and it's a federal case.

# The African Horn: A Nettle, Not a Dilemma

The Ethiopian-Soviet-Cuban offensive into the Ogaden desert toward Somalia raises the pressure on the Carter Administration to canvass the instruments available to it —and then to act. We are not without resources, but in recent years we have dissipated much of our strength, determination, and credibility. Call it the "Samson Effect"—post-Delilah.

Although the war in the Horn of Africa is between two protégés of the USSR, it is not a dilemma, but a nettle to be grasped firmly. The problem is finding the place to grasp it.

First, we must face the facts about the Soviet role. Previously well established in Somalia with Indian Ocean base rights, the Soviets would risk that position only for big stakes. With the instinct of a bird of prey, the Russians perceived a high-stake target of opportunity in the turmoil engulfing an Ethiopia estranged from America. Moscow decided the prize in strategically located Ethiopia, with thirty million people, was worth the risk to the Soviet position in geographically peripheral Somalia with four million. Had Somalia wanted help to create a typical Communist-sponsored "Ogaden Liberation Front" the USSR could have played the game that way, and one Somali minister has confided to Arnaud de Borchgrave of *Newsweek* that in 1973 Fidel Castro even offered Cuban troops to liberate the Ogaden. As matters stand, though, the USSR has the chance to gain *both* Ethiopia and Somalia.

Ah, but here's the rub—how to assert a countervailing influence while wallowing, as America is, in a slough of masochism and pacifistic moralism. The provision of arms is one instrument for exerting influence and, be it noted, "world opinion" does not seem shocked by the USSR's cornucopia of arms spilling into Ethiopia.

In Congress, in the press, an assertion of U.S. will via weapons would present problems. But there are others willing, even anxious, to help, given some sign of approval from us—Egypt, Iran, Saudi Arabia, Sudan, Germany, etc. Colonel Mengistu has charged that some Western intervention is already taking place. If we have the name we may as well play the game.

But there are other ways to skin a cat. The Eritrean war of independence could provide a useful handle. Ethiopia only acquired Eritrea a few years ago. Eritrea has a different people, a different culture, a different past, and as a former European colony has as good a claim to independence as other African countries. If Eritrea were to "liberate" its own Red Sea ports, the USSR and Cuba would lose sea access to Ethiopia, which might shift the balance, help Somalia, and teach the Soviets a lesson.

On another level, the reciprocal of the African Horn problem lies in Cuba, which we agreed in 1962 not to invade if the USSR would not introduce forces. Now Soviet pilots are flying Cuban air defense while Cuban pilots fly Ethiopian attack missions, provoking even the *New York Times* to a belated recognition of the Cubans as "the world's foremost intercontinental force of mercenaries." (Ambassador Andrew Young has not yet pronounced his verdict.) The Organization of African Unity may not consider Soviet/Cuban actions in the Horn destabilizing, but violation of our 1962 understanding with the Soviets regarding the Caribbean is definitely destabilizing and offers another place to grasp the nettle. But if we temporize too long in demanding Russian compliance with the agreement, then Soviet air defense of Cuba may suddenly become offensive, and we will have lost the ability to insist on the principle.

Finally, there is the USSR itself. As Henry Kissinger once pointed out, detente is not just a private Soviet-American tête-à-tête but must subsist in a worldwide context of linkages. How is it possible to negotiate force reductions, SALT terms, or test-bans on a basis of mutual trust (and no inspections) in the context of Soviet worldwide predatory stalking? If they care too little for detente to restrain their predatory lust, they care too little to make negotiations worthwhile—or to justify credits or technological transfers.

# Carter v. Moynihan

Both Houses of Congress have been considering tuition tax credits, considering them so seriously that the President, prodded by Joe Califano, has been moved to make a pre-emptive strike against them by offering an aid-to-education package of his own. The Senate tax-credit bill, sponsored by Daniel Patrick Moynihan and Robert Packwood, would give parents credits of up to $500 for



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tuition paid to grade and vocational schools as well as college, would give those credits without regard to income, and would apply even to parochial schools. The Administration's proposals would simply expand existing aid programs—and expand eligibility to include some of the upper-middle-class people benefitted by the Moynihan-Packwood bill.

As between the two approaches, Moynihan-Packwood is certainly preferable. In effect a modified voucher plan, it affirms the principle of choice, giving parents larger control over how the benefits are to be used. This is exactly why the Administration, along with lobbies like the National Education Association and the American Federation of Teachers, opposes it: Carter's proposal is in fact less expensive—to the federal treasury, that is—because the Califano constituency sees an important principle at stake, namely the priority of the public over the private sector. The education lobby prefers direct access to the federal treasury and seeks to fend off a diversion of funds to, yes, taxpayers. The Moynihan-Packwood approach is, worse, not redistributionist—a heinous flaw.

The specter of Moynihan-Packwood has not only got Carter to his feet with an alternative proposal that at first looks cheaper: it has even provoked Califano to raise, mirabile dictu, *fiscal* objections. That's desperation.

In this face-off, Senator Moynihan has seized the strategic high ground, and the issues at stake are of enormous significance.

# Vile Bodies

On the 14th anniversary of the Surgeon General's Report on Smoking and Health, Secretary Joseph A. Califano Jr. of HEW announced a big new drive against smoking, and released a number of proposals for stamping out that vile habit. Califano asked the radio and TV networks to run more spots against smoking; the schools to establish more educational programs on the dangers of tobacco; the General Services Administration to ban smoking in federal buildings; the Treasury Department to increase the federal tax on cigarettes: *und so weiter.*

The first question raised by Mr. Califano's action is: Why single out tobacco as the sole object of this crusade?—at a time, incidentally, when the movement to legalize marijuana becomes every day more respectable. Califano would answer that smoking kills, that it is a form of "slow-motion suicide." But the same is true of drinking, over-eating, and other forms of mortal self-indulgence, including, some say, sex-on-the-pill. Ah, Mr. Califano would say, but tobacco smoke affects non-smokers in close proximity with smokers. Yet alcohol affects teetotalers as well as drunks, as every auto-insurance executive can testify. Furthermore, the pollution produced by other people's burning tobacco is infinitesimal compared to other forms of pollution caused by modern life—pollution which sensible people simply accept as a minor hazard of civilization that is more than canceled out by the development of the germ theory of disease, antibiotics, and advanced surgical techniques. In other words, there *is* no good reason to single out smoking as a special target of national health reform—no reason that is, except that, by some quirk of social and political fashion, smoking is presently thought to be as sinful as bicycle-riding and jogging are thought to be virtuous.

The second question to be raised is: Suppose that smoking really is the most dangerous of our national habits. Is it within the purview of government to do something about it? Here one might eclectically take a leaf from the collected works of John Maynard Keynes by arguing that, in the long run, we are all dead—whether of eating, drinking, smoking, or sky-diving. Also, one might suggest that it is every man's right to go to hell in his own way. Against this argument, the HEW boys have but one defense—a defense, moreover, that serves finally and duplicitously to strengthen the case against more Big Brotherhood. For, says Mr. Califano, smoking-related diseases cost the Federal Government millions of dollars in health care per year. Eventually, of course, the welfare state had to deliver this ultimatum: "So long as we pick up your medical bills, you'll live the way we tell you to." To which the reply naturally is: "It is not your money. It's ours, and you'll spend it the way we tell you to spend it."

## Belly-Up

As dead as last night's headline or
  An over-ripe cadaver;
As finished as a floosie when
  Nobody wants to have her;
As hopeless as a hippy who
  Reads like a second-grader,
That's how the legislation looks
  They lobbied on for Nader.

W. H. von Dreele

# Figures Lie

Senator Muskie, chairman of the Senate Budget Committee is upset that the wealthiest 1.4 per cent of taxpayers—those with incomes above $50,000 a year—received 31 per cent of the government's "tax expenditures."

This is, however, about as deceptive a set of numbers as could be assembled. First of all, the whole idea of treating the government's occasional failure to tax as



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## Jimmy Machiavelli?

It's put to me by some that in Zaire,
When Cuban mercenaries reared their heads,
Our Jimmy gave Morocco the all-clear
To put the kibosh on the pushy Reds;
And that when, armed and bankrolled in Algiers,
The Polisario pushed toward the sea,
Our President approved the bombardiers
That France deployed to make the buggers flee;
That, further, though officially he shuns
Somalis and their tiresome alarms,
He winks as Saudis funnel in the guns
While Teheran supplies the sexy arms.
I'm sorry, but the theory makes me wince.
He's hooked upon the Bible, not *The Prince.*

W. H. VON DREELE

equivalent to an expenditure is conspicuously foolish, an abuse of language. On that theory, every tax rate below the maximum is some sort of special favor. In practice, the selective definition of "tax expenditures" gives the whole game away. If a couple claims a $3,200 standard deduction, for example, that is not considered a tax break. But if they claim $3,300 in itemized deductions, that is treated as some sort of sneaky raid on the Treasury.

At a more technical level, it is absolutely incorrect to total up the tax expenditures, because each is estimated on the assumption that the others stay the same. If you tax away more capital gains in life, for example, there will be fewer gains left to tax at death, so such gains from stiffer taxation cannot be added together. And the theoretical tax savings in those data may neither accrue to taxpayers nor be available to the government. Tax-free municipal bonds pay little interest, so most of the tax advantage is actually captured by the sellers, not the buyers. If capital gains were taxed at higher rates, fewer capital assets would be bought and sold, so the higher rates might well yield lower revenues.

Suppose we were nonetheless to abuse these same numbers, in the Muskie style, and apply the same criterion of damning tax breaks that ostensibly benefit those earning over $50,000. By this criterion, the Carter proposal to dump the medical expense deduction would flunk, since 84.4 per cent of the benefit goes to those under $50,000. The same goes for the exclusion of income earned abroad (70.6 per cent), the admittedly dubious tax-free status of unemployment benefits (96.7 per cent), casualty losses, and other targets of the Carter loophole-closing campaign.

On the other side, the Muskie rule would surely require ending the charitable deduction for donations to schools, since 73.3 per cent of that benefit goes to those earning over $50,000. Never mind that schools and students benefit too. And the recently liberalized exclusion of capital gains tax on the sale of homes by people over age 65 would have to go—half of the benefits went to the over-$50,000 group.

These almost meaningless numbers are obviously a poor basis on which to make tax policy, and the uncritical way in which they were reported reflects poorly on the nation's politically cooperative press.

# Blumenthal's Lament

Treasury Secretary Blumenthal has the unenviable task of making the government's budget deficit look manageable. He has not been doing very well.

"With unemployment at 6.4 per cent," says Blumenthal, "and capacity utilization at about 83 per cent, a deficit is still needed to sustain expansion of the private economy." But these numbers from late 1977, whose significance is arguable, have little bearing on the desirability of a budget deficit for 1979 that will have considerable impact in even later years.

"The Treasury financing requirements—on the order of $65 to $70 billion in fiscal 1978 and 1979—will represent a smaller share of total credit market flow than in 1975 or 1976." But the Treasury will be borrowing over $73 billion in both years, and the private sector's competing financial needs are obviously greater than in 1975 or 1976.

Blumenthal replies that the deficits "will not result in crowding out private borrowers. This fear was raised several years ago, and has yet to materialize." Even a casual glance at interest rates and savings flow suggests that crowding-out has already arrived with a vengeance. Yet Blumenthal seems to be arguing, mysteriously, that financial strains cannot be a problem in a mature expansion because they were not a problem in a deep recession.

Among the last-ditch arguments, Blumenthal suggests that the federal deficits will be offset by state and local surpluses "on the order of $25 to $30 billion." But the Commerce Department estimates that the state and local surpluses will shrink substantially this year. Blumenthal points out that "personal saving alone is expected to rise by almost $20 billion this year." But savings by business and government will be increasingly negative, so $20 billion is not nearly enough.

Blumenthal also expects that "our financial markets will prove attractive to foreign investors." That could happen if the dollar slides far enough or interest rates go high enough, but that is not very comforting. And we can't count on foreign central banks always to mop up half of the new Treasury debt, as they did last year.

Finally, Blumenthal complains about the fact that over half the budget is "virtually uncontrollable because the spending is mandated by past laws." That would be



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more persuasive if the Administration had recommended any changes in the laws that would reduce the presently uncontrolled spending.

All things considered, it was a valiant effort. But the Administration's energies would have been better spent in bringing federal spending under control than in trying to explain why restraint is neither feasible nor desirable.

## Rise of Kemp

In national political terms, Representative Jack Kemp is a new face, though pro football fans of course remember him as a fine quarterback for the Chargers and the Bills. This past year, however, Kemp has burst upon the national political scene as a hot Republican property, one of the speakers most in demand at Republican gatherings across the country.

A four-term member of the House from suburban Buffalo, N.Y., Kemp regularly rolls up landslide majorities in his heavily blue-collar district. He is not a "country club" or "chamber of commerce" Republican, and his main thrust differs a good deal from what has come to be perceived as conventional Republicanism—which may explain why a full-page article on him in the February 20 issue of *Newsweek* was not at all unfavorable.

In Kemp's view, income taxes should be slashed drastically, at least one-third lower than Carter's proposed rates. He argues that the stimulative effect of such cuts would be so great that the U.S. Treasury would net higher revenues despite the lower rates. Kemp does not, unlike many Republicans, attack the government programs many people now count on; but, he argues, his proposals would enlarge the private sector relative to the public sector. Last September, the GOP National Committee unanimously endorsed Kemp's position, now embodied in the Kemp-Roth Tax Relief Bill.

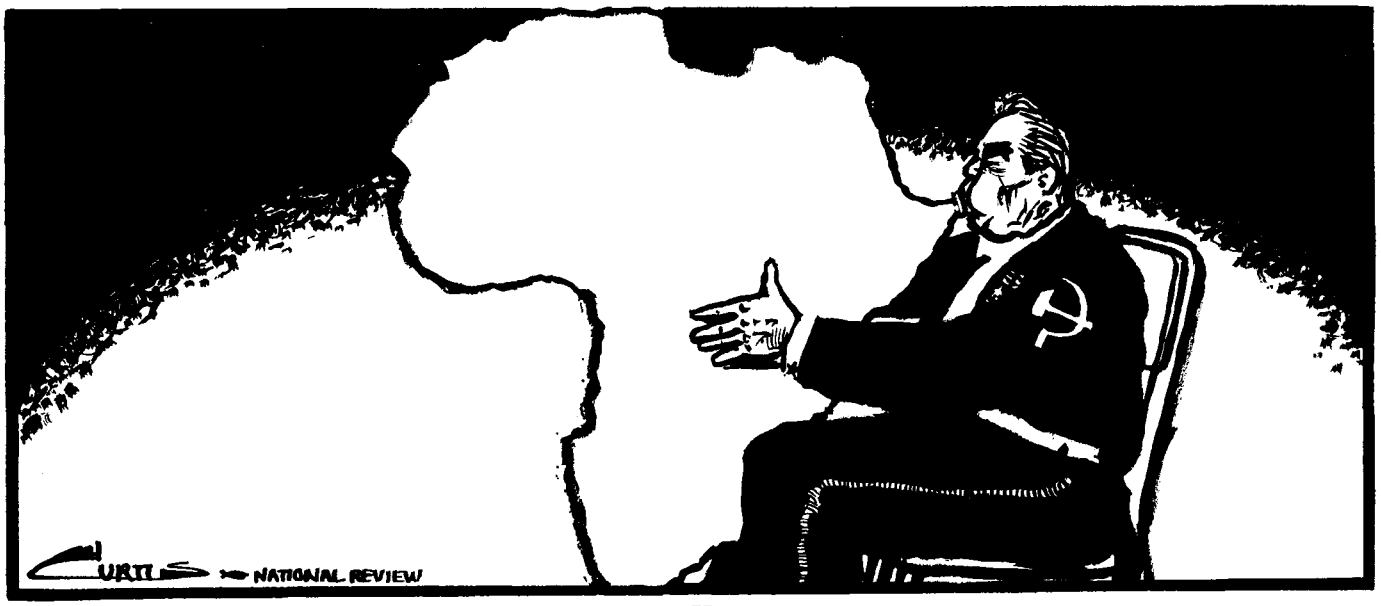
Kemp is a social conservative, a compelling speaker, and he has broad appeal. Some say that he will challenge Senator Jacob Javits in 1980, if Javits runs. Others think that Kemp's future may be even larger.

## Mad about the Bomb

They may be abysmal at coaxing wheat from the ground and totally incompetent at producing automobiles, but Soviet expertise must be acknowledged in one area: propaganda. Look at what they have done regarding the neutron bomb. Shortly after it became known that the U.S. was developing a nuclear weapon that killed by intense radiation while leaving buildings largely intact, the Soviets mobilized a campaign to try to ensure that it would never be deployed.

Last July 9, only days after U.S. papers first began discussing the neutron bomb, a Soviet official fired the first salvo, asking how the U.S. can "pose as a champion of human rights and at the same time brandish the neutron bomb that threatens the lives of millions of people." The Soviet news agency TASS plunged into battle on July 30 with a statement denouncing the weapon. Shortly thereafter, the World Peace Council, a Helsinki-based Kremlin puppet, organized a "week of action" to stop the neutron bomb, and Council associates turned up at U.S. embassies and consulates in Bonn, Stuttgart, Frankfurt, Düsseldorf, and Accra to protest the bomb. The year closed with a World Peace Council pamphlet cataloguing the evils of the dread weapon, including appropriate statements by Senator Mark Hatfield, the *Christian Science Monitor*, the Peace Council of the Dutch Lutheran Church, the Catholic organization Pax Christi, and some more of the West's right thinkers.

Early this year, the usually jovial Secretary Brezhnev bared his teeth with a letter to our NATO allies warning

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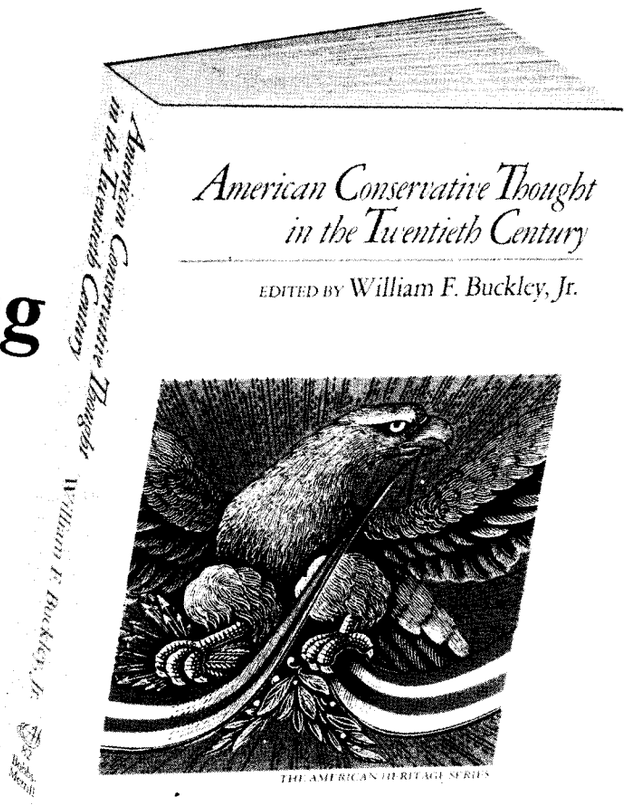
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them that deployment of the neutron bomb would have adverse consequences for—hold on tight—detente. Judging from European accounts, this clumsy letter may be the answer to NATO's prayers, making it almost impossible for NATO not to deploy the neutron.

But Soviet propagandists have not thrown in the towel. This May the UN General Assembly is holding a special session on disarmament, which the Soviets hope to dominate with oratory against the neutron bomb. Meanwhile, it should be noted that the Soviets' campaign against the U.S. neutron bomb has not prevented them from trying to develop their own version of the weapon. One difference between the two is that the Soviet version is sure to be immune to this kind of criticism.

## Some Courage Please

An exceedingly rare event occurred the other day on Capitol Hill. Testifying before the Senate Armed Services Committee, Army Lieutenant General Gordon Sumner Jr. disagreed with Administration policy. Sumner, head of the Inter-America Defense Board, in direct opposition to Carter Administration statements on the proposed Panama Canal treaties, declared that Latin American countries are apprehensive over the "economic aspects" of the treaties and the opportunities they provide for "mischief-making by the Communists."

While it is true that other high-ranking military men, on active duty as well as retired, disagree with Sumner's position, there can be no question that he is to be congratulated for his courage in speaking up. Ever since Robert McNamara let the U.S. military brass know that dissent would, let's say, hinder their careers, precious few of Sumner's colleagues have shown similar courage. Those who may be tempted to do so are given occasional reminders of what could befall them. Only last spring, for example, the Carter Administration showed that it was enforcing the McNamara quietus by yanking Major General Singlaub from South Korea after he found himself quoted as being opposed to the Carter troop withdrawal from Korea.

It is true that General George Brown, the nation's highest military officer, recently told the Senate Armed Services Committee that the Carter defense budget should be larger, and that the B-1 or something like it should be funded, along with the MX mobile missile, a new infantry vehicle, and other programs; but it is also true that Brown found his voice on these matters only as his term as chairman of the Joint Chiefs of Staff draws to an end. His major concern seems to be that the history books note that he gave fair warning.

Sumner is pretty clearly in a class by himself. May his example inspire some of his colleagues to speak up on SALT, the proposed nuclear test-ban treaty, a static NATO policy—matters which most people would agree are much more vital to U.S. security than the Panama Canal. Many high-ranking officers believe the Carter policy is drastically wrong on crucial matters, but so far they have preferred to grumble in their Pentagon offices rather than voice their true convictions when they testify (under oath) to the Congress. Gordon Sumner deserves company. The next war we lose could be our last.

## The Knack (and How to Get It)

Are blacks just naturally "dumb"? Or are they victims of discrimination and deprivation so pervasive as to stultify the development of their natural intelligence? Or are intelligence tests themselves culturally biased?

These questions have been the stuff of red-hot discussion for most of this century, and the heat has increased markedly over the last decade. A popular view has been that blacks are less equipped for abstract ratiocination by genetic endowment—a view that has lately won scholarly support, embarrassed (Arthur Jensen) and unabashed (William Shockley). Educated people, socialized into liberalism, have tended to favor an environmentalist view that correlates IQ and socioeconomic advantage. Others, generally more radical, have leaned to the view that blacks are not at all "inferior," either by nature or in consequence of disadvantage, but rather that IQ tests are structurally invidious to black culture —and that a ghetto-oriented IQ test would show blacks to be "superior" and whites borderline morons. All three theories seem designed less to explain than to blame.

The controversy will probably continue, but a remarkable little essay by Brigitte Berger in the Winter issue of *The Public Interest* offers a theory that has both explanatory power and, happily enough, the potential to defuse the whole issue. Mrs. Berger suggests that the "intelligence" measured by IQ tests is both valid *and* culturally specific. Others, such as Thomas Sowell, have taken similar positions. But Mrs. Berger spells it out in more detail.

This "intelligence," she argues, is really "modern consciousness"—a set of intellectual skills particularly adapted to "technological" and "rationalistically bureaucratized" modern Western life. She names four components of the "cognitive style" of modernity: 1) a high level of abstraction; 2) the ability to break reality down analytically into components; 3) the ability to keep multiple relationships in mind simultaneously; 4) future orientation. The ability to manipulate concepts in these modes is the essence of what we—we "moderns," that is —call "intelligence," and tests that merely try to filter out class-specific *content* (of language, vocabulary, allusion, etc.) nonetheless leave the *structure* of modern consciousness unaffected as the essence of what is tested.



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Consequently many blacks score low largely because their lives are lived on the periphery of modernity. It is not merely that they are deprived (though Mrs. Berger concedes that this is a real enough factor): the principal fact is that they, like the European immigrants who were long thought to be feeble-minded, have simply never been fully *initiated* into the habits of thought demanded by the sophisticated modes of modern life. And of IQ tests, which are themselves a feature of modernity, inseparable from it.

This is a sociocultural theory, but unlike earlier ones it is "impunitive": it does not ascribe inferiority to blacks, but neither does it accuse the tests of avoidable bias. In short, it accepts the intellectual features of modernity as given, and infers that the problem of raising IQs is a problem of socialization. While it offers no program, it is hopeful about the possibility of solutions.

# Bella Abzug, R I P

Despite the unremitting efforts of NATIONAL REVIEW to give the broadest publicity to her best aspects, efforts extending even to a cover display, Bella Abzug has now gone down to her third consecutive electoral defeat. After losing the New York senatorial nomination to Daniel Patrick Moynihan, Bella next sank like lead beneath the waves in a try for mayor. Now, trying noisily for Ed Koch's old House seat in New York's so-called silk-stocking district, she has sunk again, this time before the onslaught of Republican Sedgwick William Green, a lawyer and former state assemblyman, whose political existence, until now, could not have been convincingly demonstrated.

Ah yes. What this means is that Bella herself, Bellaism, has been rejected by these chic precincts, a fact worth meditating on. Even the endorsement of the *New York Times* could not save her. Sedgwick Green? Bella would have lost to Mr. Magoo. She would have been trounced by that entirely fictitious Harvard student who completed two years before the college administration discovered the imposture. Harold Stassen missed his big chance on this one. As Bella sank for the third time, her entire political life passed rapidly before her eyes, and was it ever awful.

During the 1960s, Bella was repackaged as a New Left antiwar feminist folk hero, but her roots are Old Left. She broke into national politics from New York's Upper West Side, an election district carried by presidential candidate Henry Wallace in 1948.

Back in 1939, Bella Savitzky, then 19, was already an antiwar militant, remaining so until Hitler invaded the Soviet Union in 1941. In 1941, the *New York Post* commented that Miss Savitsky "generally followed the Communist Party line." After she graduated from Columbia Law School in 1945, and now Bella Abzug, she joined the National Lawyers Guild, described by a congressional committee as "the foremost legal bulwark of the Communist Party." From there it was only a hop, skip, and jump to Women Strike for Peace.

Bella has never, so far as we know, breathed a word of criticism of the Soviet Union. In her initial bid for Congress she was opposed by, among others, the New York Socialist Party, because of what they termed her "general unwillingness to be outspokenly critical of Communist actions threatening peace and freedom in the world." Bella opposed giving U.S. sanctuary to Vietnamese anti-Communists, commenting that they deserve "the punishment that awaits them." Naturally she always favored cutting the U.S. military budget. Lately, riding the *Zeitgeist*, she has been a professional woman.

So let the bells ring out, clang, clang. The voters have performed a welcome act of sanitation; though, no doubt, Bella will be found to be well suited to an important appointive post in the Carter Administration.

## Rally 'round Whom?

Senator Baker? You're kidding!
  Jerry's still bumping his head.
Weicker's a walking delusion;
  Dole is ascending like lead.
Thompson's a closet progressive;
  Connally hasn't a claim.
If you're still keeping a scorecard,
  Reagan's the name of the game.

W. H. VON DREELE

## Notes & Asides

■ Dear Mr. Buckley:

Do you know what Unmitigated Vexation is? You probably do, but I'll tell you anyway.

It all began last January 13. After taking great pains to ensure that our television worked properly (cannot be too careful; it was made in Taiwan); after persuading the rest of the family that Bill Buckley was more fun than private-eye Jim Rockford (not hard to do); after chilling the RC Cola; after planting myself in the den recliner; after all this, I smilingly prepared to tune in *Firing Line* from South Carolina for the debate on the Canal—then, hitting me with the force of a PLO rocket attack, I espied in the *TV Guide* that the left-wing conspirators down at the PBS station in Atlanta



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were planning to hold *Firing Line* until the next weekend!

And that, Mr. Buckley, is Unmitigated Vexation.

I finally did manage to see The Great Debate; it was a splendid joust in words. Both you and Mr. Reagan sparkled as usual. (That crusty old Reaganite admiral was something, wasn't he?)

Your closing Kleenex-grabbing argument was a masterpiece that should now be hanging in the Louvre. (Although I believe that your America 1776/Panama 1978 analogy would spring a leak at sea. You should have skipped it; it sounds McGovernish anyway.)

I must confess. Even though Ron Reagan is merely my favorite statesman, while you, Mr. Buckley, are my favorite everything else, I did not change my mind. I'm still with Ronnie on this one. Can you forgive me?

Apologetically,
R. E. Phillip Linderman II
Alpharetta, Ga.

Dear Phillip: Since I have forgiven my wife, mother, and sisters, I also forgive you. Cordially, WFB

■ Dear Mr. Buckley:

Herewith a reply to W. H. von Dreele's poem, "Jacob Javits, Mr. Republican."

W. H. von Dreele—A Reply

It always amuses me to see
This rite performed quadrennially
By conservatives who religiously,
Like lemmings, march into the sea.

Though in your heart you know you're right
(And be assured I mean no slight)
Without a middle ground we might
Not be here for the future fight.

Sincerely,
A. R. Steele-Nicholson
Assistant Press Secretary to Senator Jacob Javits
Washington, D.C.

■ Memo to: WFB
From: Kevin Lynch

The lead article of the January 20 issue, "SALT and the Public Law," has been picked up by the Pentagon's Current News service and distributed throughout the U.S. military.

■ Dear Mr. Buckley:

Re: January 6, 1978, "Notes & Asides": It is not so much the spelling as the *meaning* that matters here. The German word *Klavier* denotes what is called a *piano* in English and in French. The French word *clavier* denotes what is called a *keyboard* in English and a *Klaviatur* in German.

Things are not always as simple as they look.

Sincerely yours,
H. Lauer
2201 Yorktown Drive
Lynchburg, Va.

P.S. Bach probably had no piano (which was in its infancy at the time). The keyboard (in French, *clavier*) for which he wrote his exercises must have actuated an organ or a harpsichord.

Dear Mr. Lauer: Or a clavichord. By the way, there is evidence that JSB knew of and indeed actually took a hand in *selling* an early pianoforte. See forthcoming book by Rosalyn Tureck. Cordially, WFB

■ Memo to: Bill
From: Priscilla

FYI, under the Our Readers Never Give Up Department. Got a call the other day in the office in Sharon. A Mr. Ben Fishman had called twice; it was most urgent I call him back; no he couldn't discuss it with anyone else, only I was up on the story. So I dial Mr. Fishman and he says (so help me!): "Miss Buckley, I am calling in response to your letter to me of 18 years, 11 months ago . . . "

**—WFB**

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# The Mediocrity System

## The Protracted Conflict

JAMES BURNHAM

NOBODY SEEMS LEFT to say a good word for the poor old Central Intelligence Agency. There's no doubting that a scapegoat is a convenient beast to have at hand, groveling at our feet, on which to toss the blame for the Bay of Pigs, Vietnam, Latin American dictators, the Kennedy assassination, apartheid, the cold war, lousy mail service, and Watergate. Even if you decline to join the lynching party, you've got to admit that an intelligence agency that didn't notice Egypt's 1973 buildup and kept a creep like Philip Agee on its payroll for a decade can't be quite perfect.

No point in bringing up any of that he-who-is-without-sin-among-you angle. Since we are all agreed that CIA is public villain Number One, it's up to our leaders to punish and reform. For meting out the punishment, what better than a brass-voiced, by-the-book Navy hard-nose to throw those free-wheeling smart alecks out on their Ivy League arses and teach the rest of the crew to say, Yes, *Sir*, on the double.

The program for reform is no problem. Just make sure CIA is tucked inside the Mediocrity System, like every other sector of the bureaucracy, with the standard rules, the standard forms to fill out and vouchers to file, the standard In and Out boxes to empty and fill. In short, make sure that an intelligence officer, from now on, shall be *homo bureaucraticus*. As it's being put by the commentators: "There's no place any more for James Bond."

So we'll have no more trouble with maverick jokers doing all those terrible things we've been reading about in the exposure books, getting the idea they can start making a little history on their own, pushing a government out of office, influencing an election, handing out a few bribes or bombs, peeking into some citizen's letters, even contradicting an estimate of a ticklish situation made by one of their superiors—the local ambassador or maybe an admiral.

We're going to have an intelligence service Worthy of the American People: law-abiding, disciplined, sanitized, open and above-board with both Congress and the public, watchful of Freedom of Information and the Right of Privacy, offended by even the thought of Dirty Tricks, moral through and through. This, at any rate, is what we are being promised by the President and Senator Frank Church as they present their proposals for executive reorganization and legislative overhaul of the "intelligence community."

### *Who Will Compute the Computers?*

One minor item has been overlooked in these and the many other intelligence reform proposals that have been lavishly offered during the post-Watergate years. Besides being truthful, obedient, law-abiding, and nice to old ladies, the intelligence services exist to supply certain products: information concerning matters that bear on the strategic, political, and economic security of the United States—especially those matters that are difficult to learn about through routine methods—and, on occasion, unorthodox activities judged necessary or useful to security. Although there has not been much discussion of this point, it is being suggested that, in our post-Bond era, a high-quality intelligence product is assured by technology—by all those reconnaissance and surveillance satellites, electronic sensors, micro and macro cameras, computers and Xerox machines.

Bureaucracy plus technology. It is a formidable combination, but as guideline for a satisfactory intelligence service, there does seem to be something missing. There's no doubt those satellites and computers and cameras are extraordinary. They are said to be able to spot an ant at 23,000 miles. However, like all machines, they are only a pile of junk apart from human beings who use them to human purposes.

Unfortunately, an intelligence organization has got to include people as well as machines. In a big intelligence organization, most of the people fulfil support functions. However, history and experience show that for a first-rate intelligence product there must also be present a certain number of off-beat individuals who don't function well under too much harness. (There is something to the James Bond myth, if we keep in mind, also, his boss, "M.") The intelligence coups that count in the game of nations, that make a difference on maps and in history books, seldom result from mere accumulation of detailed facts; for the facts there are always variant interpretations. Insight and imagination, qualities that seldom flourish in a bureaucratic climate, must be added. A successful intelligence specialist (among whom are to be numbered, of course, many of the great commanders) must in particular be able to project his mind into the target mind, and see the situation as the other side sees it.

### *The Secrecy Dilemma*

Openness and accountability are of the essence of constitutional democracy. Secrecy—and therefore, in some measure at least, lack of accountability—are of the essence of an intelligence organization. There can be no full reconciliation between the two principles; at best, an uneasy and wary truce. It may be possible for the President and Congress to sanitize and tame our intelligence services, but it would be accomplished only at the cost of their effectiveness. If they are not corralled, they will continue, from time to time, to violate law and morality. Given the contemporary world, there is no other way to carry out their mission. How could you uncover an underground terrorist outfit without invading civil rights of the innocent—through, for example, secret surveillance of their communications, records, and travel? You don't *start* by knowing who the terrorists are. Since the leaders of all countries lie 95 per cent of the time about what they are up to, how are you going to know what is really going on without the help of unauthorized, clandestine, and illegal procedures? Without effective intelligence, the nation's security is endangered. Maybe it would make more sense for Congress and the President to face the dilemma frankly instead of pretending it doesn't exist. □



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AN ANALYSIS

# The Rehabilitation of the B-1

MAURICE ROBERTSON

IT HAS NOW BEEN several months since President Carter stunned the nation with his decision to halt production of the B-1 bomber, and the dust is only now beginning to settle.

One reason why it has taken so long for the implications of the decision to become clear is the press: it has scarcely mentioned the B-1 except in editorials that are high in emotional content but low in the sort of detailed discussion that such an issue deserves. The press is not the only one to blame, however. It seems that little information about the B-1 was supplied by the Air Force, the Department of Defense, or even Rockwell International (which was the prime contractor for the plane).

In his announcement of the termination of the B-1 program, President Carter proposed that, as an alternative, existing B-52 bombers be equipped with air-launched cruise missiles (hereafter, ALCMs). There are two major factors working in favor of this alternative: cost and vulnerability. Each B-1 would cost about $100 million. A price tag like that is guaranteed to raise eyebrows even among people who could ordinarily be counted on to support a major new defense program. In addition, the B-1 was perceived as being too vulnerable to the Soviet air defense system. The argument went that, while the B-1 might be able to penetrate Soviet air defenses better than the B-52 now can, the ALCM is less vulnerable than either of them. The ALCM can maneuver around Soviet defenses, and it has a smaller "radar signature" than the B-1. The smaller a plane's or missile's radar signature, the harder it is for enemy radars to find, and the more likely it is to reach its target. And at this point, the issues of cost and vulnerability converge. At under $1 million each, we can afford to buy large numbers of ALCMs—which, if they were all launched at one time, would overload Soviet air defenses, allowing an even greater number to get through to their targets.

However, the B-52–ALCM combination is not the only alternative to the B-1 that still has a chance of being funded. One of the others is a wide-bodied jet transport such as a Boeing 747 or a DC-10. These craft could carry perhaps as many as sixty or seventy cruise missiles—and not only the ALCM but also the Tomahawk, which is being developed for the Navy. The Tomahawk is a larger variety of cruise missile; it has a range of two thousand miles, and even at that range it is accurate within tens of yards, thanks to a sophisticated terrain-comparison (tercom) radar guidance system. The launching aircraft would not even need to penetrate Soviet airspace, but could circle off the coast, out of range of Soviet aircraft and missiles. From there, the jet transports could launch their deadly cargo, and watch the missiles scurry off toward their targets deep inside the USSR.

Another suggested alternative is a modified F-111. If the F-111's fuselage is stretched and more powerful engines (ironically, the same engines developed for the B-1) are inserted, the FB-111H is born. The FB-111H would be fast, and able to penetrate enemy airspace at low altitudes; it would also be equipped with updated electronic countermeasures (ECM). Its payload—it can carry almost as much weight as the B-52—would be a mix of ALCMs and Short Range Attack Missiles (SRAMs). The FB-111H would not, in various ways, be as capable as the B-1—but it would be cheaper.

The last alternative that is being investigated is a scaled-down version of the B-1 itself, to be used as a cruise-missile carrier rather than a penetration bomber. In this version, a great deal of ECM gear would be eliminated, and the plane would be given less speed. The wings would not be able to sweep forward and back as on the original B-1. There would probably be other modifications as well. This package is said to be even less expensive than the wide-bodied jet cruise-missile carrier.

*Mr. "Robertson" is a military officer on active duty. Because of the controversial nature of the subject of this article, he wishes to remain anonymous. He is not an employee of Rockwell (manufacturer of the B-1) or any other aerospace firm. The views expressed here are his own, and are not the official policy of the Air Force or the Department of Defense.*



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There are two things that all of these alternatives have in common: none of them is fully funded as yet, and all are only at the suggestion or design stage. If the President does not change his mind, the only new system to be introduced will be the cruise missile, to be carried by the B-52. (The idea is to have some of the B-52s converted to carry the cruise missile, while the older B-52s would remain in their present role as penetration bombers.) What this would amount to is, as President Carter suggested, replacing the B-1 with a B-52–ALCM combination.

Thus, the cruise missile's advocates are treating it as a wonder weapon capable of replacing a highly sophisticated manned bomber. What evidence is there to support this claim?

The ALCM is one type of cruise missile; with slight modifications, the cruise can be launched from a variety of platforms—surface ships, submarines, even mobile land vehicles, in addition to aircraft. It is proving itself to be a highly flexible little device. Once launched, it travels at an altitude of less than one hundred (some sources say as low as thirty) feet over land or sea. Over land, its radar altimeter allows it to fly at a constant height above the surface, regardless of changes in terrain. If the enemy has air defenses along the path of flight that are known about ahead of time, the cruise can be programmed before launch to avoid them. Its terrain comparison radar, constantly checking its path against a computer memory, can correct any guidance errors in flight. With its low altitude of flight and small radar cross-section, the cruise missile would pose a formidable problem for Soviet defenses.

With all that going for it, why was there such a big fuss over the President's decision to scrap the B-1 in favor of the ALCM? Chiefly because the two projects are not an either/or proposition, but are complementary. In fact, the B-1 was going to carry the ALCM as one of its weapons. Both systems can eventually add a great deal to the defense

of the country; both have been undergoing tests for an extended period of time. If either of them was going to be put off, though, it should logically have been the cruise missile: the B-1 is (or at least it was before Carter's decision) ready to start production at once; the cruise is not as far along in its test program, and production is not expected to begin in earnest until Fiscal Year 1981 at the earliest. Furthermore, at this writing the cruise missile program has suffered its fourth consecutive failure; and as in any other program, solving the technical problems responsible for test failures may push the date of production back yet further.

There are also—for the first several years at least—considerable range problems. The first production model of

**The cruise missile cannot return, re-arm, and go on another mission. The B-1 can**

the ALCM, called the ALCM-A, will have a range of about seven hundred miles. While such a missile has definite uses, the short range permits only limited coverage of targets within the Soviet Union. The second production model, the ALCM-B, will have a range of between 1,200 and 1,500 miles—an improvement, but still insufficient for anything like total (or even adequate) target coverage within the Soviet Union. In addition, to attain the longer range, the missile must be launched from a high altitude. This makes the launching aircraft more vulnerable to Soviet air defenses, since an aircraft at higher altitudes is easier for radar to find. Under these circumstances, the launching plane is restricted in its approach to enemy territory—it might have to be as far as several hundred miles (perhaps three hundred to five hundred) away from the enemy coast in order to evade interception. This standoff distance would reduce even further the penetration range of the ALCM, and therefore the number of targets it could reach.

Now, this distance is for today's (and, apparently, tomorrow's) penetration bomber, the B-52. But the B-1 is also built as a penetration bomber and, under modern conditions, is superior to the B-52 in almost every respect. First, because of the B-1's advanced structural design, its radar signature is no larger than that of an average fighter plane, and much smaller than the B-52's. Second, there is the matter of altitude, the other major factor in determining how easily a plane can penetrate the enemy's defenses. The B-52 was designed in 1948, with World War II technology, and built for high-altitude penetration—a tactic which, with today's advanced radar and anti-aircraft devices, is considered sure suicide. The B-52 *can* be flown at low altitudes (and, in fact, is flown that way quite a lot); but low-altitude flying puts tremendous stress on planes that are not designed for it. (The B-1 *is* designed for it.) It is now planned to rework the B-52 in order to strengthen it for low-altitude flight, but the process will be costly and time-consuming, and will still result in an aircraft less effective than the B-1. The engines used in the



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B-1 are more fuel-efficient, more reliable, and ecologically cleaner. The B-1 is twice as fast as the B-52 and, though only two-thirds the size of the older plane, can carry twice the payload.

The Soviets already have an AWACS—Airborne Warning & Control System—capability, and they are working to update it. The Soviets have also been attempting to develop interceptors with a look-down, shoot-down capability. Since this will be extremely effective against low-altitude targets, it will put a premium on faster, more maneuverable aircraft with a small radar signature and up-to-date ECM features. The B-1 incorporates all of the latest "state of the art" ECM technology, and is built to accept new ECM technology as it is developed. The B-52, however, is limited, by factors of space and cost, in the amount and type of ECM it can take—and, therefore, is limited in its ability to survive in a hostile environment.

Comparing the B-1 to the cruise is more perplexing, involving as it does the question of manned versus unmanned vehicles. As ever, the machine is being touted as the wave of the future. Since President Carter's decision has gone in favor of the unmanned vehicle, proponents of the manned vehicle must prove their case now or be forever vanquished.

In the case of the B-1 versus the ALCM, the manned vehicle can do a great deal that the unmanned vehicle cannot do. The B-1 can detect and evade previously unknown defenses. The ALCM cannot. The B-1 can use its ECM, chaff, flares, and maneuverability to defeat surface-to-air missiles, enemy aircraft, and anti-aircraft artillery. The ALCM carries no equipment to detect or defeat these threats; even if it did, when and how to use it is a decision only a human can make. Many times over North Vietnam, the enemy would turn on his radar in order to simulate the launch of surface-to-air missiles, without actually firing any. A machine sensing this would be fooled into using its ECM devices, thus giving away its position. Many of the newer surface-to-air missiles (SAMs) carry "Home on Jam" devices, which can use the signal put out by a jammer as a sort of homing beacon, and follow it straight to the target. Only a human can decide whether his ECM devices are thwarting or helping a threat. Furthermore, once the position of an ALCM is known its destruction is quite easily accomplished, since it cannot evade missiles or aircraft; it flies in a nice straight line like a good target drone. The human flier, on the other hand, can switch off his ECM and take evasive action.

To make matters worse, it is not just ECM signals that the enemy can detect, but also the radar signal that the ALCM emits for guidance. And the ALCM relies on its radar for guidance much more than the B-1 does. This means that the small radar signature and low altitude flight it uses for concealment may both be negated by the instruments it uses for navigation.

Lacking a human aboard, the ALCM is inflexible in changing situations. Once it is launched, the ALCM is stuck with the target it was initially programmed for. It cannot change to another target. It cannot report back to anyone whether it has hit or missed the target. It cannot re-attack a missed target. It cannot attack additional targets. It cannot return, re-fuel, re-arm, and go on another mission. It cannot be recalled. The B-1 can do all these things.

Those who have been saying that the ALCM is practically invulnerable may be in for another shock. Many now feel that the mobile SA-6 Soviet surface-to-air missile system—which was so important in the Yom Kippur War, and which the Soviets have since practically written off as obsolete—is fully capable of detecting and destroying the ALCM. In fact, tests are now scheduled to determine if our own Hawk SAM, even older than the SA-6, can do the same. If it can, then what about newer Soviet SAMs? They certainly will not be *less* capable than the SA-6—especially if the Soviets have perceived the ALCM as a major threat and taken steps accordingly.

What, though, of the cost factor? How can we afford to pay over $100 million per B-1, and over $23 billion for the program? A tremendous amount of money—but we must put it into perspective. The $100-million-plus figure is in 1986 dollars. 1986 was chosen because that was intended to be the midpoint of the B-1 program. In 1977 dollars, the price per aircraft is about $65 million—such being the projected inflation between now and 1986. What does this mean when we are comparing the B-1 to other options like the ALCM-carrying Boeing 747? At today's prices, an "off the line" civilian Boeing 747 sells for around $35 million. To "militarize" the plane—that is, to add the appropriate navigation, communication, fire control, ECM, and other gear—could reasonably be expected to cost about as much as the plane itself, or another $35 million. This puts it into the same price range as the B-1 (if not higher), without its being anywhere near as capable. All it could do is circle a "safe" distance away from the Soviet coast and launch cruise missiles. It could not penetrate Soviet airspace to attack targets deep within the country. Don't



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forget also to add in about $50 million for the sixty to seventy missiles it would carry. With that much firepower, the Soviets could not help but consider it a worthwhile target for long-range interceptors and missiles. If they do not already have such weapons, it will not take very long to develop them. They may never need to, however. According to the latest SALT rumors, the ALCM may be artificially limited to less than 1,700 miles. That means that the launching aircraft has the choice of staying farther away from the coast (and hitting fewer targets), or maintaining target coverage by flying in closer. Either decision aids Soviet air defense planners.

Another option, the FB-111H, has shortcomings of its own. The price per aircraft would be less than the B-1, but the payload limitation is such that at least two FB-111Hs would be needed to carry the same payload as each B-1. The range is also much smaller than the B-1's; therefore it cannot be expected to reach targets as deep in Soviet territory.

**While the B-1 may cost a lot, it will cost our enemy even more to defend against it**

President Carter has said that at a later date, if the Soviet Union seems to be rejecting our peace overtures, the B-1 decision may be reconsidered. This statement does not take into account the costs involved: the costs of tearing down the production line, firing the workers, then later finding and rehiring them, and reopening the production line. If such a decision is made, the cost per aircraft could double or even treble. But it is still not too late: two B-1s are currently being built, so the production line is still open. Incidentally, though it is all water under the bridge, it might be worth saying now that if President Nixon had approved production in 1970 when it was first possible, the entire program would have cost only $10 billion—something President Carter should consider before allowing the production line to close. In addition, the *last* B-52 delivered to the Air Force is now 16 years old. Some of the earlier models which are still being flown have crew members who are younger than the planes they are flying. It would appear then that it is only a matter of time before the B-52s must be replaced. It is a question of paying now or paying later, and now is cheaper than later.

After a fair consideration of the facts as presented, the reader would probably conclude that, on technical and financial grounds at least, it would have been logical to give the B-1 a go-ahead for production. There were, however, two major reasons for disapproval I have not yet mentioned. The first reason was political. Notwithstanding the commotion over the President's decision among those concerned with defense topics, there has been relatively little support among the general public for the B-1. Publicity for the program was very low-key, so its rejection, though upsetting to many, especially in the aerospace industry, did not arouse a major public outcry. The military, with its large budget, still has not completely recovered from the popularity it lost during the Vietnam War. New weapon systems, no matter how effective or valid, have been undergoing intense scrutiny (which is always desirable) and public criticism (which is often unjustified). In this case, the public simply has not had the facts necessary to make an informed decision for or against.

The second reason for disapproval was on technical grounds which have not been widely discussed. The decision to scrap the B-1 while going ahead with the cruise missile accomplishes a de facto de-emphasis of the manned bomber component of TRIAD. This is an important step, not lightly taken. But on the evidence I have seen, this de-emphasis does not appear to be appropriate. However, I realize that I may not be in possession of all the facts. It may very well be that either the United States or the Soviet Union has developed a system which makes (or shortly will make) the manned bomber obsolete. Such a system might be (but is not limited to) the so-called high-energy directed-beam weapons. A more complete discussion of this type of weapon can be found in several recent issues of *Aviation Week & Space Technology*. If it is perceived that either we or the Soviet Union is near production or deployment of such a weapon system, then indeed a new manned bomber might be considered less useful. No one could take issue with a decision against the B-1 based on the introduction of such a development. However, if that is the case, then the President should have informed the American people of the truth, rather than permanently blur the facts in the public mind. As it is, the President's decision is not supported by the reasons he gave.

BUT IS THE MANNED bomber obsolete? The Soviets do not seem to think so. Since the B-52 first came out, the Soviets have developed several bombers, their latest being the Backfire—a supersonic aircraft capable of at least a one-way mission over the United States. Recently the Soviets began testing their supersonic transport (SST), the TU-144 "Concordski," as a bomber.

There is one final point in favor of the B-1. A defensive system is normally a great deal more expensive than the offensive measure which prompted it. That is one of the major factors in strategic policy and planning. While the B-1 may cost us a lot now, in the long run it will cost our opponent even more to defend against it. The mere existence of the B-1 forces the Soviet Union to take it into account in its defense planning. To try to stop the B-1 from reaching its targets, the Soviets will have to upgrade their air defenses by a great deal. Each billion rubles they commit to their own defense is one less billion rubles committed to an offensive system, or to research in another area. The main objective is to complicate their job of defense. The B-1 does this. The cruise missile, whatever its merits, simplifies their job, since it can be defeated using equipment currently available to the Soviet Union.

The B-1 will soon come before Congress again for appropriations, and it is still possible that funds for the program will be continued. The plane may have taken a hit from President Carter, but it has by no means been shot down. □



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LETTER FROM SANTIAGO

# Chilean Spring?

JEFFREY HART

**Post tenebras lux.** (After darkness, dawn.)—*From the monument to Los Hermanos Carrera, fighters for the original independence of Chile.*

*i*

My Boeing 707, LAN Chile, surges powerfully into the air above Kennedy International Airport, headed for Miami, Lima, Santiago. Why, in God's name, am I going to Santiago?

During the First World War, many American writers experienced a powerful desire to see the Western Front in France. The verb "see" is faulty, though. These Americans needed to feel the reality of the trenches. They knew that something important was happening there.

Those were much simpler days. Nevertheless, it was with some analogous conviction that I decided to go to Chile. Warfare now takes more complex forms. But there can be no question that Chile is an important sector of the front line in a colossal global military-political-ideological struggle that makes World War I look like an Indian raid. What is going on in Chile?

*ii*

When we reach Lima early the next morning, the airport is crowded with dozens of large camouflaged troop transport planes and military helicopters. It is clear that Peru is armed to the teeth and has an impressive airborne capacity. I later find out that the Chileans are acutely aware of this. In the 1879 "Pacific War," Chile seized what are now its northernmost provinces, a mineral-rich area, from Peru. Peruvian nationalists are talking publicly about a *reconquista*—perhaps in 1979, the hundredth anniversary of their defeat. When I get to Chile, I learn that, indeed, most of the Chilean army is in the northern part of the country. I ask every serious person I meet in Chile whether the Chilean army could turn back a Peruvian paratroop invasion. Reaction: A shiver, and "I hope so."

*iii*

It would be fascinating to perform the following experiment: Suppose we tried reading a list of nations to a man on a polygraph machine. My guess is that the words "Chile" and "South Africa" would evoke a much greater response than the words, say, "Rumania" or "Cuba." If my guess is correct, the reason would be the relentless conditioning campaign we have been subjected to.

*iv*

On my first stroll through Santiago my initial impression has nothing to do with politics. It is simply true, for reasons I cannot guess, that Santiago has an unusually beautiful female population. The women in the fashionable sections also wear the tightest slacks and jeans in the world and the effect is really spectacular. My central nervous system begins to be menaced. Are they fitted by a physician? How do they get them on—and, oh God, off?

*v*

Probably the most interesting man in Chile today is Pablo Baraona, Minister of the Economy. We meet for lunch at the Union Club.

Santiago is full of ironic symbols, and the Union Club is one of them. This nineteenth century building radiates conservatism. It has ancient elevators, marble columns, thirty-foot-high ceilings. But from across the Avenida Bernardo O'Higgins, the University of Chile glowers at the Club. During the Allende days, mobs of students would flow across the Avenida to hurl rocks and obscenities at the Union Club and its conservative mercantile clientele.

In a sense, this is a symbol of what is going on in Chile. The Union Club, the University, the Cathedral, the Congress, the Court—all of these traditional institutions have been at loggerheads. Today, a military band is playing on the steps of the Congress building, in which, of course, the Congress is not meeting.

The aggregate meaning of these ironic symbols: the unraveling of the nineteenth century. In the nineteenth century, Moneda Palace, Union Club, Cathedral, Parliament, Army, and *El Mercurio* would have been allies, often actually bound by ties of blood. They are all located within a square quarter-mile. But they are no longer parts of a coherent twentieth century reality.

From this point of view, it is possible to "unpack" the meaning of that



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army band playing on the steps of the parliament. What the army did was call a halt to the feud among different elements of the nineteenth century equation, a feud that was rending the social fabric. Lenin would say: Use a bulldozer on them all, *El Mercurio*, Cathedral, Parliament. Pinochet specifically is *not* saying that. The band plays on the steps.

From this point of view, it is significant—both visually and symbolically—that the Pinochet regime moved the seat of government *out* of the nineteenth century district, to a modern steel and glass skyscraper about half a mile away, the Edificio Diego Portales on the Villa Vicensio.

Pablo Baraona, a couple of Chilean friends, and I are having lunch in a private dining room at the Union Club. It soon becomes clear that Pinochet and the military intend to keep public order while Baraona pursues his economic policies with virtually a free hand. Pinochet is betting that Baraona has the economic answers, and that in due course the devastation of the Allende years will be corrected, stability and prosperity return.

Pablo Baraona is about forty, trained in economics at the University of Chicago. He is dark, handsome, tweedy. In a sense, Baraona is what the argument over Chile is all about. He is a free-market economist, and a monetarist. He argues forcefully that successive Chilean governments distorted the economy by moving ever more deeply into it. Enterprises that were not competitive were kept going for political reasons. High tariffs and subsidies protected these inefficient enterprises.

Under Baraona's direction, the Chilean economy is taking a cold shower. The tariff barriers have come down; foreign imports are soaring. Enterprises that cannot hold their own competitively will be forced to the wall. Baraona knows that there will be bankruptcies and very serious problems of readjustment. But he considers that, in the long run, the Chilean economy will right itself. What the military regime is doing is providing a shield—critics say "machine guns in the streets"—behind which this process can go forward. The sheer intellectual courage Baraona exhibits is exciting. He has made his analysis of the situation, has placed his bets, and is going to see it through. He clearly has the confidence of Pinochet.

Not surprisingly, Baraona and his policies have their critics. By the way, critical comment in Santiago is free and vociferous. Arguments about Baraona's policies go on into the small hours of the morning. Marxists, Christian Democrats, Socialists of all kinds hold forth in an uninhibited way.

Baraona's critics almost universally respect him personally but consider him too "rigid," a "blackboard economist." I spoke with a dairy farmer, for example. During the Allende years, much of the Chilean cattle population was killed for meat. What is required now is reinvestment in the herds. But Baraona has slashed the tariff on imported milk, to the detriment of the local dairy industry. Five years from now Baraona's free-market philosophy would make sense, this dairy man tells me, but not today, because of the special weakness of the Chilean dairy industry.

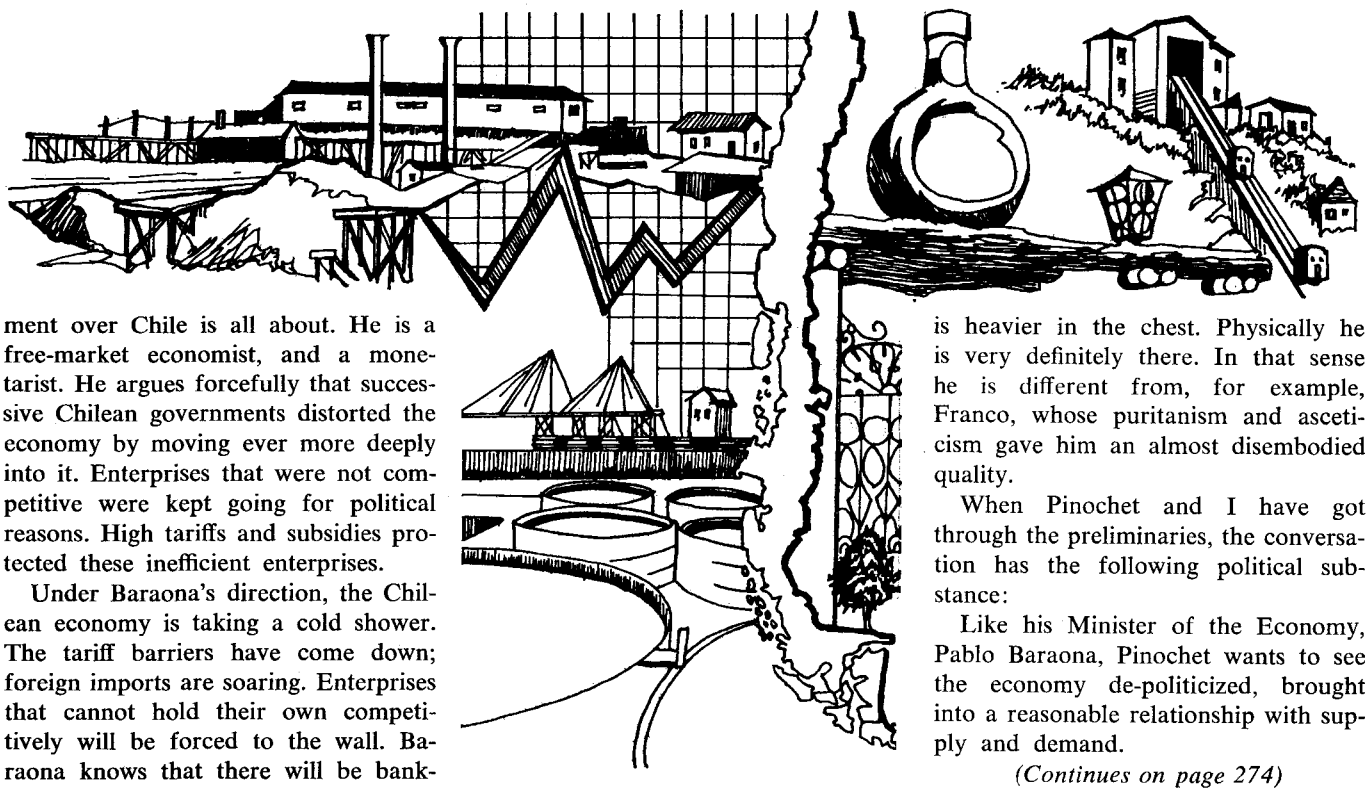
And so the debate rages here.

*vi*

Beginning at 4 P.M., I have an hour or so to talk with the president of this country, General Augusto Pinochet Ugarte. He is not the most popular man in the world.

The security at the Edificio Diego Portales, the government skyscraper, is very heavy. I check in, go through the inspection, get into the special elevator to the 22nd floor. Everything here is businesslike, humming. For the first time I have a sense of the ethos of this government. High-ranking but also strikingly young military men move in and out of the presidential office.

Pinochet comes into the room where we are to meet—the equivalent of the Cabinet room at the White House. Pinochet is in civilian clothes, a blue suit. We exchange some words through a translator. First impression: I like him better than I thought I would. I had expected a grim puritan, and I suppose he is puritanical, alas, but he is not grim. His style is one of consistent but not oppressive seriousness. A hard worker. Pinochet is larger, physically, than the Chilean norm. He is heavier in the chest. Physically he is very definitely there. In that sense he is different from, for example, Franco, whose puritanism and asceticism gave him an almost disembodied quality.



When Pinochet and I have got through the preliminaries, the conversation has the following political substance:

Like his Minister of the Economy, Pablo Baraona, Pinochet wants to see the economy de-politicized, brought into a reasonable relationship with supply and demand.

*(Continues on page 274)*



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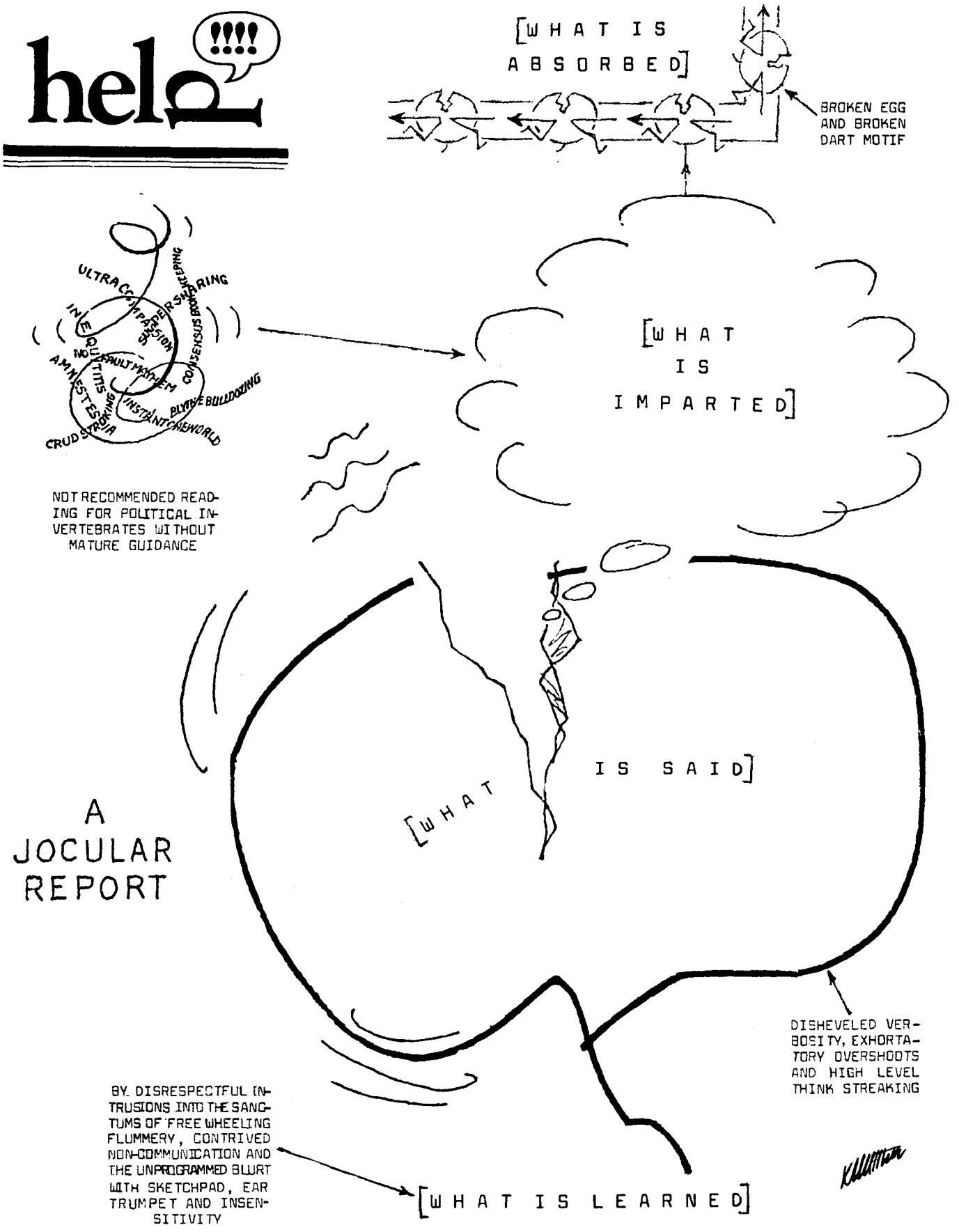
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BROKEN EGG AND BROKEN DART MOTIF
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[WHAT IS IMPARTED]
NOT RECOMMENDED READING FOR POLITICAL INVERTEBRATES WITHOUT MATURE GUIDANCE
A JOCULAR REPORT
[WHAT IS SAID]
DISHEVELED VERBOSITY, EXHORTATORY OVERSHOOTS AND HIGH LEVEL THINK STREAKING
BY DISRESPECTFUL INTRUSIONS INTO THE SANCTUMS OF FREE WHEELING FLUMMERY, CONTRIVED NON-COMMUNICATION AND THE UNPROGRAMMED BLURT WITH SKETCHPAD, EAR TRUMPET AND INSENSITIVITY
[WHAT IS LEARNED]

From Authorized Pre-"Edited" version of *The Boggle*, by John Kreuttner.



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## Report from Brookings

Though tilting leftward, and addicted
To damning things that tricky Dick did,
They tell us Russian planes could K-O
The air defenses manned by NATO.
So I say, seeing what the source is,
This ain't no time to hold our horses.

W. H. VON DREELE

*". . . She's talking to the plant; can you call back?"*



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**HART**

(Continued from page 271)

Prior to the military coup on September 11, 1973, Chile had the largest and best-organized Communist Party in Latin America. I ask Pinochet how he plans to deal with this problem. First—he replies—a sound economy should diminish the appeal of the Communists and other leftists. Second, the powerful Marxist influence in the schools will be combatted. Chilean education will be thoroughly reformed. (I find Pinochet's confidence in the efficacy of education striking, especially coming from a military man.) Finally, the new Chilean constitution, now in preparation, will contain provisions designed to counter Communist subversion. "Like any organism or institution," he says, "democracy must have the necessary means of defense."

Pinochet is very sensitive to the unfavorable image that his regime has around the world. "People abroad," he observes, "believe many things because the reality of Chile today has been distorted. Many terrible things have been invented to discredit the people and the government, which had the courage to oust international Marxism from this country. I do not rule out the possibility that new outbreaks of terrorism might occur. International Marxism does not give up." (It was undoubtedly out of exasperation over the international psychological/political campaign against his regime that Pinochet called the recent referendum, in which, in a vote that was apparently fair enough, some 75 per cent in effect backed the regime against its critics abroad.)

I suggest to him that all officials—including office-holders in labor unions, universities, and the like—be required to take an oath of loyalty to the new democratic constitution, and that legal sanctions be available in the case of violations; this might provide a lever against Marxist takeovers. The President absorbs this idea, but replies that fundamentally the success or failure of Chilean democracy will depend upon the economy and upon education.

I later learn, elsewhere, that the new constitution will contain an as yet unformulated—but heavy—executive presence. Everyone agrees that the weak one-term executive of the old constitution was a prime source of Chile's political difficulties. Among the Chileans who told me this was Juan Carmona, a lawyer and former Christian Democratic senator who is on the committee drawing up the new constitutional proposals. (All members of the committee are civilians.) I gather from all this that the new constitution will exclude the Allende possibility.

*vii*

Both Portugal and Chile have experienced attempted revolution and then counter-revolution. It is striking that though we have entire libraries on the subject of revolution—Bakunin, Marx, Trotsky, Mao, Régis Debray, Fanon, etc.—we do not have anything much on counter-revolution. Yet counter-revolution is at least as intricate a process as revolution, and ought to be studied accordingly.

But before turning to the deeper issues in the Chilean experience, I would like to try to communicate something of the special atmosphere here in Santiago.

The first thing you have to realize is that Chile is a very small country. The population is a mere ten million, much of it concentrated in and around Santiago. The result is that everyone in the educated and governing class knows everyone else. These people knew each other at the university. They see each other socially. It is all Pablo and Salvador and Orlando and Juan. In an atmosphere of this sort, gossip flourishes. Weird things happen, too. I was coming out of the principal government office building with a friend who works in the cultural department. She and a middle-aged man greet each other warmly. She explains that he and I are meeting now "unofficially." Tomorrow night we will all meet "officially" for dinner at her house. When we leave him, she explains that he is a "leading Marxist intellectual." She is a firm supporter of Pinochet. That's the way it is in Santiago.

In the United States and Europe, in left-wing circles, the late Salvador Allende is something of a tragic hero. He was going to chart something called "the Chilean road to socialism." Here, where everyone knew "Salvador" personally, he is anything but a hero, hardly even a villain. People from all points on the political spectrum regard him as a lightweight, a woman-chaser, a charmer, a clown. Everyone says that Salvador had a quick mind, but not a consecutive one. When he was in office, he was dominated by his daughter Beatriz, who was a real Communist and married a Cuban official of the Havana version of the KGB. In October 1977, Beatriz committed suicide in Havana, allegedly because of remorse over the fact that she had not died in the Moneda Palace. During Allende's years as president, Beatriz sat outside the presidential office *à la* Haldeman and controlled the flow of information. She dropped two Santiago boyfriends who were "not Left enough."

As president, Salvador had little that could be called a "policy," let alone anything so weighty as a "Chilean road to socialism." He gave everyone jobs, and printed money to pay them with. Naturally, soaring inflation quickly made the money worthless. He also squandered the assets accumulated by previous regimes. Salvador talked about socialism, but everyone here, Left and Right, agrees that if this lightweight had somehow managed to subdue his enemies and cling to power, he would in due course have been murdered by the serious Communists and replaced by a tough Chilean who had been living in East Germany or some such place.

Still less is Orlando Letelier any sort of hero here, where everyone knew everything about Orlando. The key to Orlando was his high living, which required lots of cash. He was a charmer,



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quick-witted, very well dressed, opportunistic, always in need of money.

At the time that Letelier was blown up by a bomb in Washington, he had become entangled in international terrorism and was receiving funds through Havana. The universal view here is that Orlando got into this deep water because he was a politician out of work and, as always, needed money. When he died, George McGovern described him in terms appropriate to Pericles. Down here they see it differently. Was Orlando a serious Communist? "Orlando wasn't a serious anything." Some here despise Orlando as a rogue and opportunist. Others, including some right-wingers, think it was both tragic and ridiculous for this butterfly to have been blown up by a bomb in Washington.

Poor Salvador. Poor Orlando.

*viii*

At lunch a Chilean hostess, almost in passing, says something odd: "Chilean men are insecure." What do you mean? "Insecure before women." It is a Lawrentian moment. From my own different perspective, I am beginning to understand what she means.

*Item:* The military, before the final assault and Salvador's suicide, publicly offered him safe passage out of the country. Were they kidding? Didn't they realize that Allende, abroad, would be an international hero in an ideal position to whip up pressure against the regime?

*Item:* Everyone knows everyone else. Everyone knows the numerous girlfriends of Allende and Letelier. Everyone calls Letelier "Orlando."

From a political perspective, *there* is the reality behind her remark about "insecurity before women." There is often a kind of weightlessness here, as if things were at once deadly and a sort of charade. That explains the idea of letting Allende out of the country, the "mistakes" made by the Christian Democrats, and Allende's own feckless politics. In this atmosphere, it is obviously inappropriate that "Orlando" should be blown up by a bomb.

It is somehow connected with all this that General Pinochet was surprised by the hostile reaction to his junta outside Chile. Inside Chile, support for Pinochet was generally enthusiastic. Allende had been a disaster. But did Pinochet not understand that there exists a worldwide Communist propaganda apparatus able to resonate with the non-Communist Left on chosen issues? No, he did not realize that. Chile is lovely, small, and provincial. It did not deserve to be a sector of the battlefront. It is rather like Belgium in World War I.

*ix*

Through a complex process, very important to understand, *Chile* has become a negative term, virtually a hate word. *Chile* means repression, violation of rights, torture. It certainly does not feel that way as you experience daily life here, talk to the politicians and intellectuals, chat with chance acquaintances. In the real world, you know when people are living in a state of fear. In the Soviet Union, chance acquaintances will not talk with you. They are genuinely afraid. One of the hazards of social life here in Santiago, however, is that when you ask someone what he or she thinks of the government you are likely to get a half-hour disquisition.

People here argue heatedly about current government policy, and there are valid questions to be raised. But there is also a tremendous sense of pride, across the political spectrum, that Chile—"we," everyone says—turned back an attempt to put a Marxist dictatorship in power. Countless people have told me just that, in different ways, from a Chilean general outside the office of President Pinochet to a waitress at a local restaurant. They might not agree on anything else, but they agree on that.

In fact, a former Christian Democratic senator I spoke with at length feels that the Allende experience was so drastic for most Chileans that the Marxists specifically and the Left generally will still be on the defensive once normal politics revive here. One of the disastrous factors in Chilean politics, however, is the character of the Christian Democratic Party. In Europe, the Christian Democrats are a middle-class, relatively conservative party. In Germany and Italy, the Christian Democrats came into being as anti-Communist political groupings. But the Chilean Christian Democratic Party is split down the middle. It has a powerful left wing, basically McGovernite in temper, but including further-left elements. These left-wing Christian Democrats compete with the Communists in their anti-capitalist rhetoric.

*x*

The newspaper *El Mercurio* is first-rate from a professional point of view, tough-minded, intelligent, especially good on economics. At lunch with members of *El Mercurio*'s editorial board, I ask them: Do you feel any constraints, any pressure from the government?

They answered: We can write what we wish, criticize any policy, with one exception. What we cannot do is criticize the "center" of the government; we cannot criticize Pinochet directly. But we can criticize any policy. Moreover, we can print as news any attack on Pinochet in the foreign press. In fact, when the Organization of American States met in Santiago, we printed verbatim all the speeches, including many that attacked this government.

It is very clear to me that this is no totalitarian situation.

*xi*

Taking time out from politics and journalism, I rent a small Fiat in Santiago and drive it up into the Andes to Portillo, a renowned ski resort. The trip takes two hours. The farm land north of Santiago is dark, fertile. The road to Portillo winds through prosperous-looking towns. Portillo is spectacular. We are skiing at 13,000 feet. I feel dizzy. It is still winter, and the snow base is one hundred inches. The U.S. ski team is here, working out. Skiers are drinking wine out of skins.

*xii*

People of various political views here tend to agree that the Pinochet regime has made two serious mistakes. First, Pinochet should have called a referendum on his rule a year after the September coup. He would have received overwhelming support, improved his international image. By now that image has hardened, perhaps irrevocably.

Second, the government should have confronted the issue of the people who disappeared in the wake of the coup. People disappear for a variety of reasons, but it is also clear that scores were paid off. A credible effort to come to grips with this problem is overdue.



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*xiii*

Outside the cathedral in downtown Santiago there is a pleasant park, the Plaza de Armas, beautiful with winding paths and shrubbery. In the covered bandstand, a brown-uniformed police band alternates military marches with popular tunes. The park is jammed. Even poor-looking couples—this seems typical of Latin cultures—dress their children exquisitely. The air is full of children's balloons.

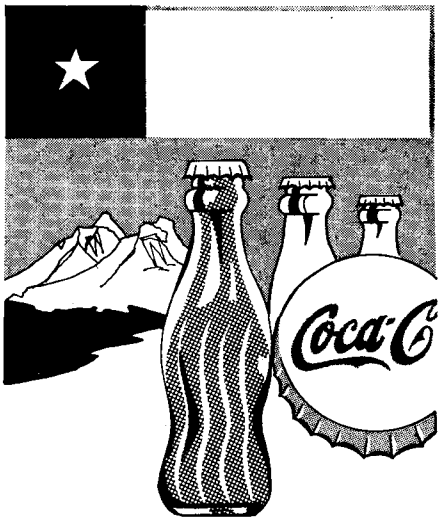
I go to 12 o'clock Mass in the cathedral, a huge, dark, barrel-vaulted structure, Spanish baroque, with a fine organ and choir. The huge congregation sings the responses. Though the Mass is, of course, in Spanish, I feel very much at home. "*Padre nuestro que estás en el cielo . . .*" At such a time it is easy for me to forgive the Church the nonsense it keeps talking on economics, on birth control, on lots of things.

I emerge, blinking, into the bright Santiago sunlight. The band concert is over. The band marches smartly through the park and off down the street past the cathedral, followed by much of the crowd. The old cardinal walks down the front steps of the cathedral. He is a spectacular figure, well over six feet tall, ancient, wearing a round black hat with a flat brim and an ankle-length overcoat. He moves quickly with a remarkably flat-footed stride. He had urged cooperation with Allende and is a bitter opponent of the present military regime.

As arranged, I meet a Chilean friend for lunch, an executive of Coca-Cola–Chile. We go to a restaurant at the top of a mountain rising right in the middle of the city. The restaurant is called "Enoteca," which means wine cellar. It affords a spectacular view of the city, and of the snow-covered Andes rising in the background. Lunch takes about three hours, as we listen to Chilean folk singers and drink Pisco Sours, the national drink—a sort of daiquiri.

Now, it seems, we must go out to a sports complex and soccer stadium in one of the poorer sections. Coca-Cola supports the complex as a good-will venture. A big junior "soccer skills" contest is going on featuring the best young players in the area. One child has controlled the ball for a record 438 bounces off his head.

The whole crowd assembles, and my Chilean friend begins to address them




on behalf of Coca-Cola. I prepare to listen benignly to his speech. Suddenly I realize that he is introducing . . . me. I myself am the next speaker. Emergency thinking. I say to them, my friend translating:

"I apologize to you for speaking in English, but my Spanish is not good enough. It has been a very moving experience for me to come here to your wonderful sports complex. I love sports, and I can tell that all of you here love sports, too. My sports are skiing and tennis, but I can recognize excellence in other sports, and I recognize it here. I think that here, among these children, we have the Pele of the future. Thank you very much."

The crowd loves these simple remarks. I am sweatily delighted with myself.

*xiv*

It is perfectly true that party politics in Chile is in a state of suspension, but I met no one, whether sympathetic to the present Pinochet government or opposed to it, who doubts that representative institutions will be restored. Most people think that democracy will return rather sooner than the 1985 date mentioned by Pinochet. I frequently encountered the opinion that Pinochet put the date that far in the future only in order to discourage partisan activity from resuming immediately—a likely result of an earlier date for elections.

As a journalist, I was naturally concerned about the state of free expression in Chile; I made a point of discussing the matter with opposition journalists, as well as with *El Mercurio*'s editors. Christian Democratic sources reported to me that during the first year after the military coup, they were obliged to practice self-censorship. The government muzzled criticism by demanding "responsible" journalism.

Today, however, these opposition journalists feel completely free to criticize the regime. The weekly news magazine *Hoy*, the equivalent of *Time* or *Newsweek*, is outspoken in its attacks on government economic policies and on the pace of the return to representative institutions. Just before I left Santiago, *Hoy* published a slashing attack on the regime by Claudio Orrego, a Christian Democratic journalist with whom I had just spent a long and lively evening.

Here the important distinction between an authoritarian and a totalitarian form of government ought to be kept in mind. An authoritarian form abolishes partisan politics but leaves much of the rest of human activity free. Under the totalitarian form, politics invades all aspects of existence. Under an authoritarian government, you can start a business, go to church, travel in and out of the country, read and write about what you want (at the bookstore in the University of Chile, the entire range of political, economic, and historical reading matter is available), associate with whom you please. Under a totalitarian system, all of these activities are severely restricted by the state.

The present regime in Chile, it is obvious, corresponds to the authoritarian model, though it can sometimes operate clumsily. Furthermore, unless I have been completely deceived, the military regime regards itself as temporary.

When it took power in 1973, the regime inherited a political and economic shambles. Inflation raged at a Weimar-like rate of 700 per cent. The political institutions of the country had lost all authority. What the military regime has tried to do is establish a period of civil calm in which the economic and political reconstruction can go forward.

Vigorous arguments go on about the economic policies of Pablo Baraona: Is the "social cost" too high? But either his policies will produce good results in the end or they will not. We must simply await the results. Meanwhile, it is absurd to depict Chile as some kind of dungeon state. For that, you must go to China, Cuba, East Germany . . . □



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CONSECRATION IN DENVER

# Feeding the Sheep

DANIEL OLIVER

DENVER, JAN. 28—Schism finally came to the Protestant Episcopal Church in the United States of America today at 11:57 A.M. Mountain Standard Time. At that moment the Reverend Dale Doran was consecrated a bishop of the Church of God in the Anglican tradition.

Doran was elected bishop by the Anglican Diocese of the Midwest, which contains a number of parishes that have broken away from the Protestant Episcopal Church (PECUSA), but that call themselves "Loyalists" (the term was bestowed on them by the Anglican bishops of Canada) because, they say, it is PECUSA that has broken away from traditional Anglican doctrine and worship. The Loyalists have formed the Anglican Church of North America (ACNA) with, they report, about a hundred parishes and ten thousand members in the U.S. and Canada. Schism has come—but the debate rages over who are the schismatics.

## Regular and Valid

Three other bishops, James Orin Mote, Robert Sherwood Morse, and Peter Francis Watterson were also consecrated at the service which, in fittingly Anglican style, was held in a Lutheran Church on the feast of St. Thomas Aquinas. But it was not by chance that Doran was consecrated first.

Bishop Albert A. Chambers, the retired bishop of the Diocese of Springfield, Illinois, was one of the co-consecrators, and has been the right bower of the Loyalist movement. He has been bitterly opposed by the hierarchy of the Episcopal Church for his ministering to the Loyalists. But in addition to being enormously fearless, he is untouchable by the Church's House of Bishops. Many of them would like to bring Chambers to trial and punish him. (Feed my sheep.) Trouble is, there isn't anything they can do to him. He can't be removed from his diocese—he's already retired. And he can't be deprived of his pension—it's already fully vested. They hate him. But they can't scare him.

By tradition, three bishops would be needed to act as co-consecrators at the consecrations planned in Denver. Bishops still on "active duty" in PECUSA could be threatened (Feed my sheep.) by the House of Bishops with those punishments to which Chambers was immune. Could two more bishops in the Anglican Communion be found in time?

Bishop Clarence R. Haden of northern California had attended the "formation" of the Anglican Church of North America in St. Louis in September (see *NR*, Oct. 14, 1977) and had initially been willing to be a co-consecrator, but for his own reasons had dropped out. Partial success came when the Right Reverend Francisco J. Pagtakhan, the Bishop Secretary for Mission and Ecumenical Affairs of the Philippines Independent Catholic Church, agreed to be a co-consecrator with Bishop Chambers. And there could be no question about Bishop Pagtakhan's credentials—an important point, since validity of orders is of primary importance in the consecration of a bishop. The bishops who are consecrating a new bishop have to be validly consecrated in the apostolic succession. (The questions to ask are: Who consecrated them—and who consecrated their consecrators?) Not only was Bishop Pagtakhan's church in the Anglican Communion, and therefore in communion with PECUSA; it had received its orders from Episcopal bishops from the United States. Pagtakhan's orders were beyond questioning by angry Episcopalians—as, of course, were Chambers'.

But a third bishop was necessary—well, necessary for regularity. Regularity is not the same as validity. Validity relates to apostolic succession. Regularity has to do primarily with conformity to tradition and canon law. Consecrations can be valid but irregular. St. Augustine consecrated several bishops in England by himself, with the consent of Pope Gregory III. The traditional requirement of three co-consecrators has nothing to do with the effect of the sacramental act.

By its canons, PECUSA requires consent for consecrations from a large number of people. But the new Anglican Church of North America is most definitely not a part of PECUSA—on that much, both sides agree—and, being newly formed, it does not yet have a set of formally adopted canons. Regularity, therefore, is still a bit hazy. Nonetheless, under the circumstances, a special effort to achieve it seemed to be indicated. In ancient times the willingness to consecrate on the part of three co-consecrators (who tended to come from adjoining provinces, and were called comprovisionals) attested to their faith that the priest about to be consecrated was not schismatically inclined.

## The Third Man

Could such a third bishop be found for Denver?

Reliable reports indicated that an Episcopal bishop had been found who agreed to travel to Denver although he was not in the best of health. But despite attempts at secrecy, word leaked out and two of his brother bishops got to him and reviled him, after which—libel laws and medical imprecision prevent saying "because of which"—he had a crippling heart attack and was grounded by his doctor.

Still one bishop to go. Time was running out.

Then Bishop Pae of Korea was contacted and agreed to consecrate. Again word leaked out. The Archbishop of Canterbury, Donald Coggan, called the Presiding Bishop of the Episcopal Church, John M. Allin, to discuss Pae's participation. Allin is not unsympathetic to some of the Loyalists' positions, but was opposed to Denver. His job, after all, is to hold the Episcopal Church together. Coggan is less sympathetic—he favors the "ordination" of women—and decided to put a stop to

*(Continues on page 297)*



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LETTER FROM PARIS

# The French Marmite

NICHOLAS KING

THE FIFTH REPUBLIC is dead; long live the Fourth, the Sixth, and the Third too. France has had twenty years of strong presidential rule and it is enough. The regime General de Gaulle created and incarnated as a monarch could not survive in the persons of lesser presidents, lesser if only in their inability to prolong what de Gaulle had made—a magnificent political vacuum.

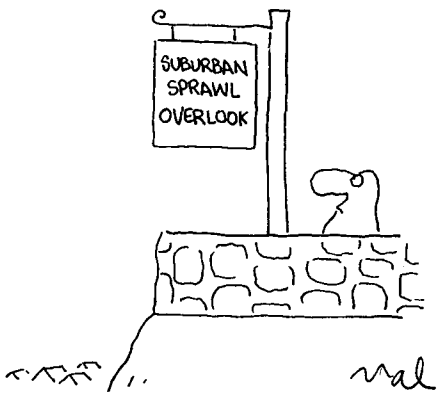
Elections for a new National Assembly will be held in mid-March, and the clamor which has been shrill for months approaches the deafening. The Assembly is much less powerful than the United States Congress, for example, and on paper the fuss might seem exaggerated. But what it heralds is a return to the rhythmic political tumult of the late 1940s and 1950s, and even the 1930s, that old "spirit of the parties" which de Gaulle denounced so often, the carnival he would not give the people and which, apparently, they cannot do without.

There is plenty of genuine fear behind the fuss. The polls say the combined forces of Socialists and Communists may well win a narrow majority, which could force the entry of Communist ministers into the government. Would such a victory make a crashing domino out of Italy? Would it cause a flight of capital? What would be the effect on the franc in international exchange? What about France's European security commitment?

Should the Communists and Socialists win, however, they are very badly, indeed ferociously split, and the Communists continue to be wary of risking responsibility in any government they could not control. Nevertheless, President Giscard d'Estaing would be obliged to ask them to form an opposition government. That might not turn out to be necessarily a bad thing, for the Center-Right calculates that after a few months' fighting between the two left-wing factions, not to mention the folly of their inflationary, destabilizing, demagogic program, their capacity to govern would be paralyzed. Then Giscard would dissolve the Assembly and call for a new election with presumably very different results. A new government, perhaps including neutralized Socialists, or a replica of the present Center-Gaullist coalition, would then be firmly in place.

Yet if the Left is split, so are the others. Gaullist leader Jacques Chirac is struggling against his ally Giscard as much as, although perhaps less fatally than, Communist Georges Marchais is struggling against Socialist François Mitterrand. Which brings everyone to the edge of that pestilential morass, the two-round election.

Two-round elections are the necessary evil of a multi-party system. Any number of candidates can enter the lists of the first round, on March 12 in this case; but unless there is an unusual immediate majority for one man, the two higher-ranking survivors must compete in the run-off a week later. The votes acquired by the eliminated contenders are then given to the winners, or not given to them, according to the often last-minute decisions of the original gatherers. Such vote-throwing is difficult to chart or promise in advance; even if it is promised, last-minute circumstances can change minds. In a closely contested election, the first round serves only to clear the field—and yet the first round remains the primary target for all activity.




No wonder the press and airwaves are choked with tales of alliances made and rent asunder, of troths pledged and betrayed, of glaring compromises, of accusations of falsehood and corruption, of changes of color and of heart that flicker across the upturned faces of the electorate like strobe lights in a discotheque. Giscard gave a stately lunch in the Elysée Palace for eighty of his Center-Right majority (for which he is actively campaigning) in order to show how united they all were. But hardly were his guests twirling their spoons in the Sèvres coffee cups when Chirac was calling the head of the Giscardist party a liar in a truculent voice, and the "*déjeuner Borgia*," as the satirical *Canard Enchaîné* called it, dissolved in embarrassment and dyspepsia.

A MODISH NEW factor in this election is the "Green Vote," a phrase used to cover several hundred thousand environmentalists, ecologists, and anti-nuclears, but they are atomizing too. The environmentalists, who want to preserve, lean toward the Center or the Gaullists. The ecologists, more radical, are Left-oriented, while the anti-nuclears are, for the moment, neutral. Not content to stick to these divisions, the Parisian contingent of *Ecologie 78* has seceded to join the *Amis de la Terre* in a move denounced by *SOS Environnement* as a sell-out to the Left. The rural adherents of *Ecologie 78* say their Paris comrades have become "careerists and neurotics traumatized by the stress of the capital." *SOS Environnement* has strayed from its own path by joining forces with the Feminist Party in the opportunistic if illogical hope of appealing to a wider public. No doubt Marianne sums it up for many when, in a page-one *Figaro* cartoon, she sadly lifts the lid of a marmite full of stewing political leaders and remarks, "The more they simmer, the less hungry I become." □

*Mr. King, a contributing editor of* NR, *has just returned from Paris, where he has worked in the past as a UPI correspondent and as press attaché in the U.S. Embassy.*



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ABORTION

# New Phase in the Battle

JOHN T. NOONAN JR.

*"Is it not delightful to contemplate that we might dispose of this thing and not have to confront it month after month as we go campaigning next year?"*—George Mahon (D., Texas)

THE "THING" to which the Chairman of the House Appropriations Committee was referring on December 7, 1977 was the federal financing of abortions. For almost six months Congress had struggled over the issue; the House and Senate had repeatedly confronted each other, both parties had been seriously split, and the $60-billion appropriations bill for Labor, and Health, Education, and Welfare (to which a ban on abortion funding had been tacked) had hung suspended. The real stakes, however, were not the *amour propre* of House or Senate, the unity of the parties, or even the fate of an appropriations act that was certain to be passed eventually anyway. The real stakes were 300,000 human lives—the number of unborn human beings who, if past practice was a guide, would be aborted this year at government expense if federal welfare funds were provided for abortions.

As of December 7 a weary House and Senate risked being responsible for giving Labor and HEW employees a payless Christmas unless they managed to come to an agreement. A compromise was put forward which pleased no one: it restricted abortion funding severely and so was unacceptable to those who thought the federal subsidy should be coextensive with the almost unbounded constitutional liberty to have an abortion; it contained an exception, "severe and lasting physical health damage," which violated the cardinal principle of the foes of abortion that life not be sacrificed for less than life. Yet after six months of struggle the appropriations bill, it seemed, had to be passed. The "thing" was disposed of at least until January.

To understand what was going on in Congress it is necessary to look at what had been happening in the federal courts since 1973, when the Supreme Court created a radical new liberty of abortion which made unconstitutional the criminal law protecting unborn life in every state of the Union. Traditional American liberties—freedom of religion, of speech, of the press—have always been thought of as giving each individual scope to do as he or she thought right, but not to have the state pay for it. No one has supposed that because a rich man can afford to own a newspaper and a poor man cannot, the poor man has a constitutional right to have his purchase of a printing plant funded by the public. No one has argued that because the government encourages some forms of the free press by postage subsidies to magazines, it has a duty to provide subsidies to those who want to communicate in another fashion. But almost every lower federal court which considered the abortion liberty in the light of the abortion cases (*Roe* and *Doe*) found that the government must fund its exercise.

AROUND THE COUNTRY—in Connecticut, Minnesota, Missouri, New York, Pennsylvania, South Dakota, Utah—federal judges commanded whole communities to discard their own rules or laws and to supply or fund abortions for those unable to pay for them. Outstanding in its naked statement of the federal judiciary's understanding of what was involved was the opinion of Jon O. Newman, the federal district judge in Hartford: "The view that abortion and childbirth, when stripped of the sensitive moral arguments surrounding the abortion controversy, are simply two alternative medical methods of dealing with pregnancy may be gleaned from the various opinions in *Roe* and *Doe*." Of course this view may be gleaned from *Roe* and *Doe*, although it is a bit like saying, "Stock fraud and speculation in stocks, when stripped of the sensitive moral arguments surrounding them, are simply two alternative financial methods of dealing in the stock market." When moral sensitivities are eliminated, how do you distinguish good procedures from bad? Jon O. Newman, at any rate, did not see how you could, and, behaving with all the missionary zeal appropriate for a federal satrap enforcing his masters' will on the disenfranchised local population, Newman and his colleagues held that Connecticut had a constitutional obligation to fund any abortion a woman could not afford.

The prize example of a federal judge strutting in swollen rage and imposing his imperial will upon a community was afforded by Donald Ross of Nebraska. To his Circuit Court came the case of the City of St. Louis, which had declined to make its municipal hospitals available for elective abortions. To Judge Ross this was monstrous defiance. Not only was St. Louis behaving unconstitutionally, as he read the Constitution. It was apparently behaving unconstitutionally even to presume to litigate the issue. At least, with no more evidence than a brief challenging the duty to provide abortions, Judge Ross characterized the conduct of the mayor of St. Louis, John Poelker, as "wanton" and "callous" and finally as "obdurate." A form of fine was levied by the judge on the mayor, who was ordered to pay over $3,000 in attorneys' fees incurred by the other side. The string of epithets and the fine were tangible proof of Donald Ross's devotion to the abortion liberty.

For over four years Newman, Ross, and their colleagues on the federal bench went on educating everyone to think that the abortion liberty, unlike every other liberty, carried with it a right to governmental funding. As it turned out, all these imperial judges were wrong. In their zeal for abortion they had outrun their masters. On June 20, 1977, in *Poelker* v. *Doe* and two companion cases, the Supreme Court held that there was no constitu-

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tional obligation on the government to fund non-therapeutic abortions. Speaking for the majority, Justice Lewis Powell even went so far as to grant that the government could try to make childbirth a "more attractive" option than abortion. And quoting Holmes, he put forward a principle which, if it were squarely applied, would lead the Court to reverse the abortion cases themselves:

"When an issue involves policy choices as sensitive as those implicated by public funding of non-therapeutic abortions, the appropriate forum for their resolution in a democracy is the legislature. We should not forget that [as Holmes said] 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.' "

WHAT DENIAL of the chance to play Platonic guardian meant to the pro-abortion judges may be gauged by the passion of the three dissenters. Thurgood Marshall was the most excited. The opponents of abortion, he announced, "have attempted every imaginable means to circumvent the commands of the Constitution and impose their moral choices upon the rest of society." The phrase "circumvent the commands of the Constitution" was wonderfully alliterative. It must have flowed easily from the pen of the Justice; but what did it refer to? It referred to the right to abort, invented in 1973 by seven members of the Supreme Court. Any attempt to narrow, palliate, or treat as less than absolute that right was what Justice Marshall viewed as "circumventing the commands of the Constitution."

In this spirit he continued: "The present cases involve the most vicious attacks yet devised." Elective abortion had been criminal everywhere in the United States until January 22, 1973. No state or municipality had ever permitted such a practice, much less paid for it. But when a state or city had failed to do a flip-flop and treat as desirable what yesterday was criminal, it was said to have engaged in "the most vicious attacks yet devised." The intemperateness of Justice Marshall could scarcely be excelled.

But he did excel himself. Among the evils he pictured as flowing from the denial of free abortions was the birth of poor children who "will sadly attend second-rate segregated schools." His implied remedy for this misfortune was a unique, novel, and terrible contribution to the law on school desegregation. Dare one follow his logic and put it in words? He said, No free abortions, then segregated, second-rate schools. He implied, Free abortions, then no segregated, second-rate schools. And why would there be no such schools? Because their potential pupils would be dead.

The impassioned and naïve tone of Marshall's dissent continued to its very end, where he indulged in wild fantasy as to the forces he was opposing. Public officials, he declared, were under pressure by "well-financed and carefully orchestrated lobbying campaigns" to restrict abortion further. His imagery was enough to draw a smile from anyone familiar with the citizens struggling to restrict the liberty of abortion to its 1973 level. If they had a twentieth of the resources of Planned Parenthood of America, or of the American Civil Liberties Union, or of the *New York Times*, it would come as a great surprise to those working to eliminate *Roe* and *Doe* as the law of the land.

Justice Marshall concluded with a reference to elected leaders who "cower before public pressures." He was referring to Connecticut, where Ella Grasso ran on a platform favoring a constitutional amendment eliminating *Roe* and *Doe* and to St. Louis where Mayor Poelker was elected on a pledge to stop optional abortions in the municipal hospital. Ella Grasso and John Poelker were, perhaps, the first public officials ever to be described as "cowering" for living up to their campaign promises.

William Brennan, also dissenting, was only a modicum more restrained than his brother Marshall. He cited as controlling precedent a case that addressed merely the procedural question of the plaintiff's standing to complain—a gross confusion of procedural and substantive law for which he was duly taken to task by Justice Powell writing for the majority. He cited as sound law Jon O. Newman's amoral account of the nature of abortion and added to it: "Pregnancy is unquestionably a condition requiring medical services. . . . Treatment for the condition may involve medical procedures for its termination, or medical procedures to bring the pregnancy to term, resulting in a live birth." Was this so far from writing, "Life is unquestionably a condition requiring medical services. . . . Treatment for the condition may involve medical procedures for its termination or its continued support"?

THE MOST STRIKING feature of this dissent was its apparently deliberate ignoring of the rationale of the opinion of the majority justifying a state's preference for encouraging childbirth. Why has a state an interest in not funding abortions? Justice Brennan asked. Is it to save money? No, because if an abortion is not had, it will cause an "increased welfare bill incurred to support the mother and child." Is it the mother's health? Justice Brennan answered negatively here, too. But he never mentioned the reason Justice Powell had given—"the potential life of the fetus." The life of the unborn child, which was at least potential life to Justice Powell, remained invisible to Justice Brennan.

The shortest and comparatively most restrained dissent was that of the author of *Roe* and *Doe*, Justice Blackmun. In his view, the Court was letting the states accomplish indirectly what he had said they could not do directly, that is, restrict the right to abort. He exaggerated, of course; but his sense that the old pro-abortion majority had crumbled was clear and understandable enough. He let fly a little invective at the Court: what it had accomplished was "punitive and tragic." But his strongest words were reserved for those who were not before him, but who had plainly struck a raw nerve: he sneered at public officials bowing to "the demonstrated wrath and noise of the abortion opponents." These were strong words for a justice of the Supreme Court, entering the political lists and taunting those who had challenged his imaginative interpretation of the Constitution. He made no acknowledgment of the fact that public officials, like judges, occasionally act from reason and conscience.

Unlike Justice Marshall, moreover Justice Blackmun not only pictured political leaders as cowering, but took of-

*(Continues on page 294)*



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LETTER FROM GERMANY

# Tales of Nadis

LENNART FRANTZELL

WITH SIX THOUSAND East German spies in West Germany (and an additional 1,500 Soviet, Czech, Polish, Hungarian, Albanian, and God knows what spies), the West German counter-espionage, the *Verfassungsschutz*, has long been swamped by the sheer clerical effort of keeping track of so many foreign agents. When Chancellor Willy Brandt's political aide Günter Guillaume was unmasked as a DDR (East German) agent in 1974, the West Germans realized they had to resort to drastic new methods to track down the spies, who appeared to be breeding like rabbits.

They were helped in this by two factors. 1) Most DDR spies were East Germans who had ostensibly come to the Federal Republic as refugees. 2) The DDR produced spies by the thousands, launching them against the West in waves, sending out more spies than the Federal Republic could possibly catch. As long as West German counter-espionage relied on traditional techniques it didn't stand a chance. But because the spies were produced like automobiles, they all tended to behave the same way. Once in the West they would follow the same operating techniques, safe in the knowledge that they outnumbered their pursuers. Unmasking them was no longer a job for men in trenchcoats; it was a job for a computer.

The West Germans, therefore, decided to feed all known information about DDR refugees and other aliens into a computer they named Nadis (for *Nachrichtendienstliches Informations- und Verbundsystem*). This information had hitherto been scattered in several ministries. Now it was assembled and matched against an elaborate computer program made up from the behavior patterns and personal characteristics typical of DDR agents. Each pattern served as a set of parameters, which could gradually be made more specific as fact was matched against the espionage criteria.

Success came quickly. Nadis became operational in early 1976, and in late May and early June it not only caught a top DDR agent, Helge Berger, who was secretary to several high officials in the Ministry of Foreign Affairs, but also bagged no fewer than 15 spies in the Ministry of Defense. By October of last year another eight spies had been caught, and at year's end 35 East German spies had been arrested, while another 35 had fled the country. Such flights were exactly what the *Verfassungsschutz* had in mind when it went public with Nadis. By precipitating the flight of large numbers of DDR agents, much valuable time and money was saved. The publicity worked. The messages that flowed into the office of Richard Meier (the head of the *Verfassungsschutz*) tell the story: A Dortmund couple sent a cable explaining that their sudden disappearance was the result of an unexpected death in the family. (Their cable was sent from Karl Marx Stadt in the DDR.) A Dusseldorf banker told of an accident in Denmark, which prevented him from returning. A government employee from Wuppertal told of his wife's miscarriage in Belgium, the reason he could not return to work. The grandmother of another man lay dying in Leipzig in the DDR; etc. Other spies fled from more highly targeted positions. One from a fuel research team, another from an institute for jet propulsion in Aachen. A nuclear power plant lost one of its men, as did the rocket division of a Stuttgart firm with NATO contracts. The population and statistical offices of some city governments also found themselves without some employees.

Nadis has revealed the great rigidity of the East German espionage establishment in planning espionage operations in the West. The DDR spies were usually given the names and personal histories of DDR citizens who had come to live in the West, stayed there for a while, and then gone back East. DDR husband and wife spy teams would travel to the West separately, live apart for several years, then "incidentally" meet and marry a second time. Favorite place of marriage, Denmark.

THE DDR did nothing change this pattern, so Nadis has continued effective. Early last year, it noted irregularities in the personal data given by a Briton, Anthony Roge, living in Düsseldorf. There was an investigation, and Roge and his German wife were picked up on May 4, two days before they were to fly to the DDR. They turned out to be Peter Goslar and Gudrun Schlimper, agents for the DDR. In their apartment were documents relating to the coming world economic summit in London, as well as a note on an earlier private discussion between Chancellor Helmut Schmidt and British Prime Minister James Callaghan. The information could only have come from the German Chancellor's office itself, and soon Dagmar Khalig-Scheffler, a secretary, was arrested. The arrest of Miss Khalig-Scheffler, who had passed the security screening process with flying colors, showed that the West Germans still had a long way to go in coping with DDR agents who did not fit the classic pattern. This woman, for example, had been seduced on a Black Sea vacation after she had passed her security check. She was not due for another security check before 1978.

Rolf Grunert, a West German, was personnel chief of the Hamburg Criminal Investigating Division, as well as president of the Union of German Police Officials. His trips to East Berlin had been sufficiently numerous for Nadis to become interested. Again Nadis was proven right. Grunert was picked up with five other spies.

No doubt East Germany and the Soviet enterprise will find new ways of countering the effectiveness of Nadis, but for the moment a serious crimp has been put in the DDR production line for spies. □

*Mr. Frantzell is a student of Soviet and Chinese affairs. This is his first contribution to* NATIONAL REVIEW.



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# The School of the Open Road

## From the Academy

RUSSELL KIRK

IN THE SNOWDRIFTS at the door of his little apartment the other day, a big man was found dead. His name was Clinton Wallace; he was 62 years old, and had been a hobo since the age of 16, except for six years when he lived in our house. Although unschooled, he loved poetry, and was a considerable wit.

Beside his bed, there was found on an envelope his computations as to how he might budget his Social Security check, and these lines in his clumsy hand: "Money is the means by which you can purchase everything but happiness and health, and will pay your ticket to all places but Heaven." He died, as he had lived, a pauper.

Clinton loved poetry as much as he hated work. He had been studying Robert Frost's poems during the weeks before his sudden death, and had memorized several of them. At Christmas, he had recited for us Frost's "Ice and Fire" and "In a Disused Churchyard." He had committed many poems to memory in the course of his vagrant existence, in part because his one talent of recitation helped him obtain handouts, but chiefly because a poet lay hidden within his gigantic bulk.

### *The Hired Man*

Years ago, Clinton passed by our house, and we invited him in to lunch —the first such invitation, he told us, that ever he had received in his life. He was an amazingly presentable hobo, well dressed, shaven, very clean, with a handsome Viking head set atop an ursine body of great strength. He was gentle, and adored little children, perhaps because he remained always an innocent himself, though shrewd enough in some ways. He did not drink, smoke, or pursue women; indeed, his only positive vice was pilfering church poorboxes, which habit he indulged in strong necessity and perhaps justified on the ground that no one was poorer than himself.

Later, we took him out of a Pennsylvania prison, on parole; he had been serving a long sentence for trying to escape. (He had first been sentenced for truancy, while a boy, and thrown into a cell with hardened criminals.) He could recite quantities of doggerel written by other jailbirds, along with his quotations from Shakespeare and Cicero.

During his years with us, Clinton broke everything and let our house burn down by his want of presence of mind; he was awkward as a good-natured bear. "Clinton is a baby," one of our babies said of him, judiciously: "you have to tell him to mind." The prison psychiatrists set him down as "dull normal," but he was neither dull nor normal. I never have known a stranger human being—exasperating, lovable, sagacious, stupid, footloose, puritanical, formidable, pathetic.

### *Death in the Snow*

I put Clinton Wallace into the best-known of my short stories, "There's a Long, Long Trail a-Winding," and gave him therein a hero's death in the snow. I thought it best to keep this story from his eyes, but after it had been published he found it in my library, and said to me, "Russell, I noticed in that story of yours how the chief character quotes Omar Khayyam." Poker-faced, I said only, "Yes, Clinton, he does." There our conversation ended. Clinton quoted quatrains from Fitzgerald's *Rubaiyat* more frequently than he did anything else.

He had wandered everywhere in these United States except the South—he having read of chain-gangs. He liked best the obscure roads and little villages of the maple-tree states, steering clear of cities. A hobo's life was degrading, he remarked: "You have to humble yourself." He found Jehovah's Witnesses especially easy touches, and usually slept in good hotels and ate in good restaurants. With a certain complacency he would quote the seventeenth-century lines,

*Seven wealthy towns contend for Homer dead*
*Through which the living Homer begged his bread.*

Unschooled and unmachined, Clinton was unemployable by anyone but us. He was conservative in his social views: "Nobody ever was reformed by prison," he told us. "Nobody can reform a man but himself. You have to begin by saying, 'I know I did wrong, and take responsibility for it.' Then you may make some headway." He despised the notion that criminals are the victims of social circumstances—even though he had himself been the scapegoat of a brutal father.

He had been a sailor on coasting vessels at one time, and a hospital orderly, and had fought professional pugs at county fairs for the sake of a few dollars—always being thrashed. At everything he had been a misfit. What was left to Clinton? The road, and poetry.

Along the road Clinton learned how to judge people, and the arts of survival in desperate poverty, and the power of poetry. There remained to him a strong sense of humor—it was great fun to hear him roar with laughter at children's movies—and even the child's endowment of wonder. Had some Alexander asked him, "How may I serve you, philosopher?" he might have replied, with Diogenes, "Stand out of my sunlight." His sole ambition was to "sit back and take it easy." When at last that lassitude was found, he died within weeks.

In my short story about him, I had this wanderer quote one of Omar's quatrains; and in reality as in my fiction those lines are Clinton's epitaph:

*Why, if the Soul can fling the Dust aside,*
*And naked on the Air of Heaven ride,*
*Were't not a Shame—were't not a Shame for him*
*In this clay carcass crippled to abide?* □



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# Taking the Fourteenth

M. J. SOBRAN JR.

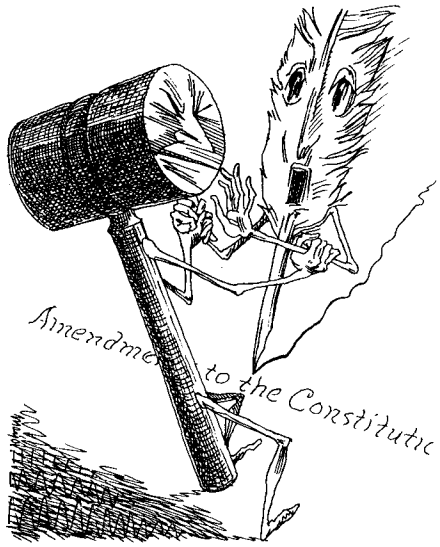
*Government by Judiciary: The Transformation of the Fourteenth Amendment*
*By Raoul Berger*
*Harvard, 483 pp., $15*

The Bill of Rights, John Marshall held, binds only the Federal Government. Since 1925, however, the Supreme Court has increasingly (I almost said progressively) held that the Fourteenth Amendment makes it binding on the states too. Further, the Court has held that the "due process" and "equal protection" clauses empower the Federal Government—especially through the judiciary itself—to mandate far-reaching changes in state governments, including not only state and local laws but state constitutions. No longer does the Court merely follow the election returns: sometimes it virtually sets them aside. As George Carey has observed, the Court has given such obsessively minute attention to the supposed "preconditions" of democracy as to determine, in great measure, what the substance of putative "democracy" must be: questions of suffrage and apportionment, for instance, are resolved in favor of a maximum of "democracy" —by the extra-democratic procedures of the courts themselves. By the time the courts have finished specifying who may vote, the options of the voters as a whole have been sharply curtailed.

Professor Raoul Berger strongly approves of the content of most of the Supreme Court's major decisions, notably in *Brown* and *Baker*. But he insists, as sternly as any segregationist Southern Democrat, gerrymandering rural Republican, or otherworldly philosophic conservative, that these measures were properly legislative, and that their imposition by the judiciary represents a usurpation of power by "the least dangerous branch." The stanchless spate of "reforms" has been effected, he contends, through a perversion of the Fourteenth Amendment, a black-robed and high-minded form of vigilante justice.

Professor Berger is well situated to make his charges. He approves of these reforms, by and large, so he can't be accused of ideological tendentiousness in his invocation of the Constitution's "true" meaning. Moreover, he is himself a recent liberal hero. His books on impeachment and executive privilege, with their insistence on the intention of the Framers and their painstaking exegesis of problematic phrases like "high crimes and misdemeanors," had strict constructionists coming in the windows: his kind of constitutionalism was expedient for those possessed by Watergate bloodlust, and he was toasted, feted, celebrated by all those gratified at the opportunity to invite the Founding Fathers to a beheading.

Berger knew when to quit—but he didn't quit. In *Government by Judiciary: The Transformation of the Fourteenth Amendment*, he wrote a book certain to estrange his fellow liberals by doing to judiciary privilege what he had earlier done to the executive variety. He has predicted its reception: "I expect to be torn limb from limb," he told one interviewer; and his brief Acknowledgments suggest his regard for the dispassionate objectivity of the scholarly community: "Eminent historians, social scientists, and lawyers have read portions or all of my manuscript and favored me with their suggestions. I do not name them in order to spare them the embarrassment of being associated with my views. Above all I am indebted to them for encouragement."




WHAT HE HAS actually done is to put his name and scholarly ability and reputation to what is a rather open, and dirty, secret: that the Fourteenth Amendment has nothing whatever to do with the uses it has been put to. He has buttressed this scandalous if unsurprising thesis with a thorough review of the debates on the Amendment's ratification and of the history of its subsequent interpretation. The immediate purpose of the Framers was of course to provide a constitutional basis for the Civil Rights Act of 1866, which made the newly freed black citizens equal in respect of *already enumerated* rights. It did not even give

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them the vote, however, else (as Berger points out) the Fifteenth Amendment would have been unnecessary. (As, one may add, would the Nineteenth —at least under the recent interpretation of the Fourteenth.) The Fourteenth Amendment therefore created no new rights, nor did it expand existing ones: it simply brought everyone under the shelter of those that already existed for some.

It follows from this, and more importantly from the evidence, that the modern meanings assigned to "due process" and "equal protection of the laws" are anachronisms. Due process applied to the judiciary only, as Berger points out, and not at all to the legislature. "Substantive" due process, or justice in results, i.e., in rights actually secured, is a contradiction in terms. And it was far from the Framers' own intention: they not only refused to ban racial segregation, they actually supported segregated schools in the nation's capital. Berger meticulously shows that the Framers were careful to preserve state sovereignty in every area in which they had not actually curtailed it. He also cites an important piece of negative evidence: nowhere do they express anxiety that they were doing anything that would affect the force of the Tenth Amendment, which they deeply revered—whereas the recent Supreme Courts have pretty much reduced the Tenth to a dead letter.

BERGER'S THOROUGHNESS produces its own surprises, at least to the general reader. Some of them were right under our noses all along. The Fourteenth, for example, guarantees equality only under *state* laws: there is no promise of the equal protection of *federal* laws. And Section 5—"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article"—apparently meant what it says: that if a state passed a discriminatory law, Congress would have the authority to rescind it by passing another, superior, law. Which excludes judicial review as a means of striking down such a state law, let alone a federal law.

Having established—beyond question, in my judgment—the narrow scope of the Fourteenth Amendment, Berger goes on to attack the expanded notion of judicial review. It too, he argues, "was conceived in narrow terms —as a means of policing the constitutional boundaries, the 'limits' of a given power. Little did the Framers dream that the judicial power would be construed as a license to supersede the exercise of power by the other branches within those boundaries." It didn't start with Earl Warren, but with earlier "speculative jurists" (as Justice James Iredell had called them in the eighteenth century) who had held the notion that any "legislative act against natural justice must, in itself, be void." But this notion caught on with the Supreme Court in the nineteenth century, when it began invoking "natural law" to back up the Constitution.

Substantive due process was off and running: any unjust law became unconstitutional per se, and subsequent courts have found ingenious new rationalizations at every turn for disregarding the actual (and explicit) intentions of the Framers. Ironically, the Justices themselves have often perceived this: Berger has a good deal of asperity for those, like Holmes, Frankfurter, Black, and Douglas, who have protested their colleagues' high-handedness and clamored for judicial restraint only when the substance of substantive due process turned out, in the majority's rulings, not to their liking.

Berger himself thinks that judicial review is soundly based on the historical evidence, but he concludes that in matters of interpretation such evidence must always be strictly paramount. He cites Madison, who said that if "the sense in which the Constitution was accepted and ratified by the Nation . . . be not the guide in expounding it, there can be no security for a consistent and stable [government], more than for a faithful exercise of its powers," and Jefferson, who warned against making the Constitution "a blank paper by construction." To the "dead hand of the past" argument, Berger himself retorts, "To thrust aside the dead hand of the Framers is to thrust aside the Constitution." (Query for liberals: May we thrust aside the dead hand of Earl Warren?) And he reminds us that Hamilton recommended the impeachment of justices for usurpation of legislative power.

BERGER HIMSELF draws back from any swift repeal of the illicit reforms wrought in the name of the Fourteenth Amendment. Such a massive undertaking would be "utterly unrealistic and probably impossible . . . in the face of the expectations that the segregation decisions, for example, have aroused in our black citizenry—expectations confirmed by every decent instinct." But he sensibly adds that the courts

# RANDOM NOTES

■ MORE MARCH TITLES: Alistair Horne's *A Savage War of Peace: Algeria 1954-1962* (Viking, $19.95) is being touted as the definitive work on the subject. It takes the history of the Muslim revolt as far back as 1830, and draws upon, among other sources, many first-hand accounts. . . . Ian Wilson considers the authenticity of what may be the greatest of Christian relics in *The Shroud of Turin: The Burial Cloth of Jesus Christ?* (Doubleday, $10). . . . Daniel Berrigan's *Uncommon Prayer: A Book of Psalms* (Seabury, $7.95) consists of 42 psalms and Father Berrigan's commentaries upon them. The book is illustrated with woodcuts by Robert McGovern. . . . The late Oscar Lewis, Ruth Lewis, and Susan M. Rigdon consider the lives of poor families in Havana in *Neighbors: Living the Revolution—An Oral History of Contemporary Cuba* (University of Illinois, $15). The book is intended to be the third of a trilogy whose first two volumes were *Four Men* and *Four Women*. Lewis, Lewis, & Rigdon conclude that Castro has not been able to rout racism, classism, or sexism in Cuba. Better luck in Angola, Fidel. . . . Ethan Mordden, a former editor of *Opera News*, makes a plea for a more patient understanding of modern operatic modes in *Opera in the Twentieth Century: Sacred, Profane, Godot* (Oxford, $12.95). . . . In *The Sponsor: Notes on a Modern Potentate* (Oxford, $10), Erick Barnouw argues that the sponsors who foot the bill for television programs make the rich get richer, the consumers more consumptive, the welfarites more passive.

■ MORE APRIL TITLES: Irving Kristol's new book is called *Two Cheers for Capitalism* (Basic, $10). His thesis is that capitalist-produced prosperity has driven the old-fashioned bourgeois nearly to extinction, by changing him from a citizen into a consumer. . . . In *A Time for Truth* (Reader's Digest Press, $12.50), William E. Simon elicits some lessons from his stint in Washington as Secretary of the Treasury and, for a time, energy czar, and works them into a most provocative jeremiad against the federal bureaucracy and New York City's fiscal habits, which, he suggests, are all too easily transferable to Washington, D.C.



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should *stop* invoking the Fourteenth for their own ends from now on, since "the difficulty of a rollback cannot excuse the *continuation* of such unconstitutional practices."

A word about the reception of *Government by Judiciary*. Berger has not been torn limb from limb, perhaps because he cunningly anticipated the hostility he would arouse among yesteryear's strict constructionists. But he has been treated with lofty disdain, and irrelevant comment. Some of the commentators have even repeated the very arguments he rebuts in his book: most astonishingly, Leonard Levy, one of our finest constitutional historians, has simply sneered that "we can't be governed by the dead hand of the past."

The most important thing to note is that his historical argument, which takes up roughly nine-tenths of the book, has been all but ignored. This means that it is tacitly accepted—and tacitly resented. He has rubbed people's noses in history, and they are indisposed to forgive.

THE COUNTER-ARGUMENTS have been along the lines of Levy's. Paul Brest, in *The New York Times Book Review*, calls Berger "simplistic and myopic" for insisting on the intent of the Framers as decisive or even relevant: as he sees it, the Amendment "embodies" an "ideal" of racial equality, and we are not bound by "the intent of people long since dead"; no, "the consent of the living" is to take the ideal and run with it. (One might as well argue that any law that promotes justice or domestic tranquillity—other "embodied ideals"—is ipso facto constitutional.) Robert M. Cover, in *The New Republic*, similarly dismisses "the Framers' specific intentions" as "the lowest compromises of a bygone time," implicitly accepting Berger's demonstration that the Framers deferred the problem of suffrage because they were deeply ambivalent and anxious about the political consequences of Emancipation. (Blacks were no longer three-fifths human for purposes of apportionment.) Of course one must distinguish motives from formal intentions; but the motives still illuminate those intentions. This harping on the words "dead" and "bygone" reminds one of Chesterton's praise of tradition as "the democracy of the dead": it is, he said, "an extension of the franchise" which rejects the notion that citizens should be "disqualified by the accident of death."

But Berger's point easily survives this criticism, which is strangely uncritical. In every area, after all, we try to ascertain the meanings words had when they were uttered: in reading wills, in interpreting Homer, we do not accept anachronistic translation merely because it is inconvenient to discover the truth. In constitutional law itself we are deeply concerned with phrases like "high crimes and misdemeanors," and "cruel and unusual punishment," and "the freedom of speech or of the press." Not because we are curious about the merely subjective associations these words had for those who used them, but because the *public sense* of these words among their contemporaries and followers is the *real* meaning for juristic purposes. Just as we accept the moral responsibility to use words intelligibly, rather than with Humpty Dumpty's license, so we accept the moral responsibility of entering a community of understanding from which we are to some extent excluded by the mere passage of time and the consequent attrition of meaning. It is precisely *because* words may be twisted for convenience that it is vital to preserve them—a point George Orwell drove home for a generation. We put words on paper only because we trust that that paper will be respected. The criticism of Berger is in the original sense sophistical, making a principle of semantic perversion.

Even so, I think one can confidently say this: that no matter how great the contempt with which the liberal community affects hereafter to regard him and his work, he has made it impossible for any respectable jurist to wave the Fourteenth Amendment like a banner over pet reforms. He has left us with no excuse for not knowing what the Amendment means. As for conservatives, we should honor the integrity of his work and see to it that our motives for agreeing with him are as high as his motives for saying what he has, with such learning and sacrifice, said. □

*Jefferson Davis*
*By Clement Eaton*
*The Free Press/Macmillan, 334 pp., $12.95*

## THE INEVITABLE PRESIDENT

M. E. BRADFORD

The intellectual, emotional, and moral distance between present day Americans and the early chief magistrates of the Republic is almost beyond measure. We can now make no sense of James Monroe or Franklin Pierce. Even heroes like Washington and Jackson leave us uncomfortable with ourselves. And the Madisons or Jeffersons whom we profess to admire are inventions of the scholars, with little relation to the Virginia statesmen who bore those names. We are put off by the antique, almost Roman republicanism of the first consuls before Lincoln. Yet, even for modern Southerners, not one of these remote and sculptured figures is so great a puzzle as that other American President, Jefferson Davis of Mississippi.

It is to that distance that Professor Eaton (one of the most distinguished of Southern historians) has addressed himself. In emphasizing the proud austerity of Davis' personality, the intellectual climate of his time and class, Eaton has made the Confederate chieftain a more intelligible structure of human emotion and conviction than he seemed before. But this biography (the first in 25 years) has not closed the gap altogether. Clement Eaton is an old-fashioned Southern liberal. Even for his genuine piety, and with all the available information on Davis' career before him, the empathetic hurdle is too great. Eaton cannot enter



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into the role his subject chose for himself, or into the anguish which the playing of that role must have cost. Though he can describe how Davis was an anachronism even in his own world, he cannot account for the appeal of that anachronism to the South in 1860. Eaton tells us that the character of Jefferson Davis was a luxury that the embattled South could ill afford, especially while engaged in the kind of "total war" which Mr. Lincoln had in mind. He can imagine voting for Davis on prudential grounds, among the choices available, but he cannot explain why, given the peculiar dynamics of Southern history, someone like Davis *had* to be elected in Montgomery, even if a Southern Lincoln had been available.

FROM HIS EARLY conversations with a Jeffersonian father and brother, through his training at West Point, his service in the Mexican War, his first years in Congress, his term as Secretary of War, and his farewell to the Senate, what marked Jefferson Davis was his devotion to a particular understanding of our national beginnings: a religion of the Constitution, strictly construed. We often forget that he was a reluctant secessionist. Nor do we read, nowadays, his speeches of 1860-61; his apologia, *The Rise and Fall of the Confederate Government*; or the records of what he said in public *after* 1865, in the quarter-century when he embodied, in solitary splendor, the national identity of a subject people. From first to last he spoke with one voice. He honored 1776, which was itself a secession to preserve an anterior Old Whig polity. And in its spirit he attempted to preserve a portion of the "old union of the Fathers" by removing it from the contamination of strange doctrines and the worship of strange gods. No innovation was intended in either case. Only preservation by subtraction.

It is possible (though often arbitrary) to criticize President Davis on various grounds. It is true that he was exceptionally comfortable with the institution of Negro slavery. A model slaveholder, he simply could not believe in the intellectual honesty of abolitionists, fierce *or* mild. He lacked charisma, and also certain social skills that the political leader of the infant Southern nation should have had. His foreign policy rested on a misunderstanding of European attitudes. And his military strategy was too defensive, and neglectful of the Confederate West.

Yet all these problems are related to his constitutionalism or to the personal style that that commitment engendered; or, to some degree, were inevitable in his situation. Moreover, he paid for all his mistakes. And, in 1867, he emerged from harsh confinement in Fortress Monroe confirmed in the high regard and affection of his countrymen as a living personification of the virtue to which they aspired. As Professor Eaton helps us to understand, this admiration for Davis the man was not undeserved. For like the self-effacing Presidents before him, he is a figure of rectitude, a man garbed by the common memory in marble: the last of the old republican chief executives, to whom we are all in debt for what freedoms we yet retain. We need to know him far better than we do. □

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*Part of My Life*
*By A. J. Ayer*
*Harcourt Brace, 318 pp., $14.95*

## MIND AND MANNER

### JAMES BURNHAM

England has dropped behind in most lines of production, but there is at least one in which she is way out front. No country comes close to her per-capita output of autobiographies. If the current growth curve continues, she'll soon be turning out more autobiographies than people.

It's not that England lacks competition. In all Western and most Westernized countries, the writing, publishing, and even reading of autobiographies are in spate. That must be a symptom of something. In the millennia prior to 1400, only one autobiography was written. The first recorded use of the word "autobiography" was in 1809.

Since everyone in England who is anyone and myriads who are nobody write autobiographies, it is not easy to decide which to read. Plugs and reviews are even more suspect than usual. They are written by fellow-autobiographers, and every autobiographer appears in everyone else's autobiography. There seem to be two possible reasons for picking *Part of My Life*.

If you are not acquainted with the genre, it is a friendly, unstrained introduction. It has the traditional structure: boarding school, Eton, Oxford (Christ Church), war service (officer in an intelligence agency), European travels, affairs, successful book, public notice. There is a large cast of the repertory players: Bertrand Russell, Wystan Auden, Lauren Bacall, Stephen Spender, Isaiah Berlin, Arthur Koestler, T. S. Eliot, André Malraux, Randolph Churchill, Ludwig Wittgenstein, Jean Cocteau, Tallulah Bankhead, e. e. cummings, Guy de Rothschild, Philip Toynbee, Cyril Connolly, George Orwell, Malcolm Muggeridge, C. S. Lewis, and many a dozen more. (Autobiographers get points for each name and a bonus for public figures.)

Many other autobiographies would do just as well for sampling, but there is a second, more specific reason. Sir Alfred (Freddie) Ayer is, for better or worse, a leading professional philosopher. It was his *Language, Truth, and Logic*, published in 1936 when he was 25 years old, that brought the ideas and methods of the "Vienna Circle" to the attention of not only scholars and students but a wide audience outside the academies. (It was translated into more than a dozen languages—including Catalan, Korean, Hindi, and Italian Braille—and continues to sell actively in both hardbound and paperback.) Ayer describes the doctrine of *Language, Truth, and Logic* as "a blend of the position of the Vienna Circle, which I also ascribed to Wittgenstein, the reductive empiricism which I had taken from Hume and Russell, the analytical approach of [G. E.] Moore, with a dash of C. I. Lewis' and [F. P.] Ramsey's pragmatism." It belongs to the type of philosophy that is called "logical positivism," "logical empiricism," "linguistic philosophy," "analytic philosophy," etc., and that became—still, in fact, remains, though lately under mounting challenge—the dominant tendency among professional philosophers in England, the U.S., and many other Western nations. Readers who are interested in philosophy and philosophers will find relevant fodder in *Part of My Life*.

This philosophical tendency holds



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(with variations) that cognitive (true/false) propositions are limited to tautologies (logic, mathematics) and empirically verifiable assertions, and that, generally speaking, sentences dealing with moral, aesthetic, or political values, metaphysics, theology, etc. are not statements of truth or falsity, but proposals, expressions of emotion, commands, or something of that sort.

As I read *Part of My Life*, I came to feel that Ayer's prose style was an appropriate expression of his philosophy (or vice versa, I suppose). He states the empirical facts—states them clearly, directly, readably—and there he leaves things. "My Jewish grandfather had no liking for Judaism or indeed for any form of religion." "The usual penalty [at Eton] for shirking exercise was to be beaten by the house captain of games." "There was an older man on the boat who sought my company and ended by shyly asking me to sleep with him." "Since the breakdown of my marriage I had made no attempt to resist the attraction which women had for me." "There were still some food shortages in Paris [in autumn 1945], and [Maxim's] had not yet recovered its luxurious standard, but we [British officers] were very well supplied with wines and liqueurs at controlled prices." "In the few days that I spent at the goldminers' camp [on war service in Ghana], I passed much of the time playing poker and vingt-et-un. I am not at all good at either of these games, but the mining engineers showed so little regard for the calculus of probability that even without being particularly favored by the cards I won a considerable amount of money." "I remember nothing of my fellow-passengers [on a wartime convoy trip across the North Atlantic] except for a naval officer who astonished me by the quantity of gin that he drank without noticeable effort." "As a rule, the [German] prisoners [I was assigned to interrogate] were quite ready to talk, though I do not recollect their ever giving us information that was of any great significance." "Like the majority of those who voted [in the 1935 Peace Ballot], I took the inconsistent position of opposing rearmament and favoring collective security." "At the beginning I shared [my apartment in Algiers] with a young psychoanalyst. . . . We used to have breakfast together and I noticed that he displayed some excitement when I nibbled the ends of the long French rolls which were supplied us. When I remarked on this, he asked me whether I realized that I had a castration complex. He may have been right, but I thought that he was judging on rather slender evidence." In each case, that's all there is. Just the apprehended fact. No approval or disapproval, no expression of "inner feelings," no moral judgment.

A number of reviewers have noted this feature of Ayer's style (though not its correlation with his philosophy). For example, John Sturrock, an editor of the (London) *Times Literary Supplement*, wrote in *The New York Times Book Review*: "It is all about Ayer, yet quite unrevealing of Ayer. . . . Ayer's record of his experience is all fact and no feeling. . . . Was autobiography ever

so Arctic? . . . Ayer remembers what he did, where he went, who [sic] he met, what he read, what, intellectually, he at one time or another accepted, but he cannot, or will not, tell us who he was."

Sturrock does not hide his distaste for both Ayer and Ayer's barebone prose. I don't know Ayer, but I rather like the prose. I find it refreshing after so many doses of soul-baring *à la* Rousseau. Its flat juxtapositions can be cheerfully ironic, and it leaves the reader free to do his own moralizing. The fact that this book carries the story only to 1946, *il mezzo della vita sua*, is not the only reason, I would guess, that Ayer called it *Part of My Life*. □

# FICTION

*Daniel Martin*
*By John Fowles*
*Little, Brown, 629 pp., $12.95*

## TOP-HEAVY

### RONALD DE FEO

Throughout his literary career John Fowles has been a seductive and ingenious writer whose books have appealed to a wide audience. The reasons for his popularity are, I think, twofold. He is not only a master storyteller, with a keen sense of narrative drive and timing, but also a thoughtful, reflective man who uses his fiction to pose moral questions and state philosophical conflicts. Thus Fowles manages to satisfy both the reader who is simply looking for a smashing, suspenseful tale and the reader who prefers something deeper and more intellectually stimulating. Some critics have contested this, however: they have said that Fowles is frequently more pretentious than profound and that his work somehow lacks the resonance, density, and subtlety we associate with truly major art.

Almost as if to counter these judgments, Fowles has produced *Daniel Martin*, a mammoth volume which is filled with detailed character portraits and lengthy meditations and reflections, and which pretty much dispenses with the narrative strategies of the earlier books: the aura of mystery, the suspense, the creation of strange, not quite realistic worlds. In fact, the only prolonged suspense is generated by the renewed relationship between the title character and the woman he loved in his youth: will they get together again or will they simply drift apart? Though the novel is, for most of the way, entertaining and a pleasure to read, it cannot be mistaken for an entertainment. Paradoxically, its one major problem is that it is sometimes just too serious for its own good.

The heart of the book can be summarized easily enough. Daniel Martin, an English playwright turned Hollywood screenwriter, is summoned back to England by Anthony Mallory, an old Oxford friend who is dying of can-



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cer. What should be a simple visit becomes for Daniel a crucial journey into the past, a journey in which he finds himself evaluating his life (his relationships, his failed marriage, a truncated but unforgettable love affair) and the freedom he thought he possessed. He begins to see that he has always loved his sister-in-law Jane (Anthony's unhappy wife), ever since their brief affair at Oxford ages ago, and that the "scenario" of his life, which he himself composed and acted out, has not been terribly satisfying. Realizing how heavily the past weighs upon the present, he is determined to both accept and reject that fact, and to follow a positive course of action and discovery. He now longs for the true sense of commitment he lacked in the past.

Needless to say, neither the plot nor the theme is unfamiliar, and if Fowles had dealt with them in a purely conventional way his book would be decidedly unremarkable. But he clearly has much more on his mind, and he uses these familiar elements to digress from them, reflecting on, among other subjects, Britain and its sense of the past, the intricacies and fallacies of freedom, the conventional, traditional-minded British and the supposedly free, uninhibited Americans, the conflict between East and West, the corruption of the masses by the media. Admittedly, he sometimes gets very far afield from the primary matter at hand (building on and freeing oneself from the past), but his observations are not uninteresting and are, in fact, frequently quite refreshing, giving the book a nice, unhurried, meditative quality.

The problem is, however: Do the characters support this vast intellectual superstructure? I don't think so. Though they are sharply described and though their problems generally come across as real and convincing, they simply are not important enough to inspire lengthy discussions on the state of the modern world and soul. After a while, Fowles seems guilty of inflation in blowing up his little drama to universal proportions, and his characters begin to sound too self-important, analyzing and intellectualizing every gesture they make.

Still and all, we keep turning the pages, carried along by the author's intelligence and grace, by the sheer breadth of his interests and learning, by the quiet tension he creates, even by the shameless sentimentality he occasionally indulges in. In this age of black comedy, his characters are particularly attractive. They are refreshingly unsensational, neither weird nor crazed nor violent. If the book contains a host of passages that seem long-winded, it also contains a host of memorable sections, including the one devoted to Dan and Jane's Egyptian journey. Here Fowles most effectively describes the stages of mutual discovery that lead to the deepening of a relationship.

For those critics who find Fowles pretentious, *Daniel Martin* will not, I think, cause them to alter their opinion. But even they must admit that this is a very ambitious performance, by a gifted, humane, and unfashionably affirmative writer who continues to surprise us in each new book. □

# THE MOVIES

## GRADE AA EXTRA-LARGE

JOHN SIMON

One of the indispensable rights of the artist is the right to fail. The creative mind needs to grow, and such growth may not be possible without convulsions or occasional false starts. Most great creators who went from one style to another had to pay for it with transitional works that remained relatively or totally unsuccessful. Even Shakespeare's problem plays are problematic in part because they are a problem to mount. Before Ingmar Bergman could make *Winter Light*, he had to stumble with *Through a Glass Darkly*; the relationship between kindred yet antagonistic women in *The Silence* did not come off; in *Persona*, it did. In the former transitional phase, Bergman was evolving the chamber film; in the latter, a method of delving into psychic action under comparatively uneventful surface goings-on.

With *The Serpent's Egg*, Bergman is again striking out in a new direction, and though his failure of achievement cannot be excused by worthiness of intentions, it behooves us to understand what is at stake here. That Bergman is one of the supreme masters of the film about personal relationships, about the neuroses and psychoses men and women fall prey to both in seeking out and in trying to avoid involvements, no one in his right mind can deny. But Bergman has not been much concerned with politics, and some of the younger Swedish filmmakers have duly attacked him for his alleged elitist solipsism, his lack of social awareness. Now, Bergman has occasionally made more political films: e.g., the early *This Can't Happen Here* (1950), of which he says that he did it only for the money; that he was dead tired and ill at the time, and turned it all "into a lot of crap." A more recent political film, *The Shame* (1967), likewise failed to satisfy its maker, though many of us consider it one of his finest.

The reason that *The Shame* works, though it is about civil war, collaboration, betrayal of ideals, and other "public" issues, is that at its core there is still Bergman's favorite compound hero: the couple, a man and woman with, for, and against each other. Jan and Eva Rosenberg were a typical Bergmanian husband and wife, and their problems carried the film—although it seems to me that the raging war in the background was handled with equal brilliance. (The Rosenbergs were Jewish, something that was not evident to us foreign viewers.) As Bergman told me in the interview affixed to my book *Ingmar Bergman Directs*, he made *The Shame* because he considers himself uncourageous, and wanted to visualize how he would have behaved under totalitarian blandishments and threats. In the new film, he pushes the investigation further.

*The Serpent's Egg* surveys the rise of Nazi ideology both among an underground group of scientists experimenting with ways to impose fascism on the human organism and psyche, and among ordinary people and their victims. The hero and heroine are again called Rosenberg: Abel and his sister-in-law, Manuela, whose husband, Max, has just committed suicide. It is November 1923, Germany is in the grip of inflation and destitution, and Hitler is preparing his abortive Munich *Putsch*. Manuela, who works nights in



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a tawdry cabaret and days in a brothel, and Abel, who mostly drinks and sulks, were until recently, along with Max, part of a trapeze act. Now they have set up housekeeping together in Berlin lodgings provided by Dr. Hans Vergérus, a sinister scientist whom Abel met years ago on holiday in Italy (unlikely business!), and who is an admirer and occasional client of Manuela's.

The shabby apartment is part of St. Anna's Clinic; Vergérus, who runs the clinic, has also found a job there for Manuela in the laundry, and for Abel in the rather peculiar archives. Altogether the clinic is weird, and, with the encouragement of Bauer, a tough but decent police inspector, Abel discovers that Vergérus is conducting vicious clandestine experiments on starving Berliners whom he can lure with the promise of a square meal and a bit of money. These human guinea pigs end up demented or dead; the archives document their hideous deterioration.

ABEL GETS to the bottom of things, but the price is overwhelming. By the time he has finished, Manuela is dead, and he himself is a wreck. As Bauer is about to apprehend Vergérus, the doctor commits suicide, but not before announcing that he and his colleagues are hatching the serpent's egg from which world dictatorship will be born. Bauer tells Abel proudly that Hitler's *Putsch* failed, and offers him safe conduct to Switzerland, there to rejoin the circus. A title tells us that, on the way to the station, Abel jumped out of the police car, and was never seen again.

I give you all this plot to make clearer the confusions of the film. There are bits of old Berman themes clogging up the works. Thus Berlin during the inflation reminds us of wartime Timoka in *The Silence*; the uneasy, hounded Rosenbergs come, of course, from *The Shame*. The intensely yet indistinctly haunted Jewish hero has much in common with David from *The Touch*. The films of his evil experiments that Verégrus shows Abel are an extension of the ominous photographic collection that the faintly unsavory architect Vergérus (that name again!) displays to the hero of *The Passion of Anna*. (This Verégrus, in turns, harks back to the similarly named doctor in *The Magician*.) The minister who has lost his faith in God and from whom Manuela vainly seeks solace is descended from the similar clergyman in *Cries and Whispers*, and their common ancestor is the hero of *Winter Light*. There are also jarring—because obvious—external derivations. The archives and their keepers are straight out of Kafka; the nightclub sequences, out of *The Blue Angel*, with a possible assist from *Cabaret*. The film is simply too eclectic for its own good.

Bergman's self-imposed exile in Germany may also be part of the problem. Though he still has his trusted and tremendous cinematographer, Sven Nykvist, and his radiant star, Liv Ullmann (here, in a shadowy and unsuitable role, less than impressive), the rest of the team is new. Working in a foreign language hampers most artists, and Bergman is no exception—witness *The Touch*. With American and German actors he hasn't the same creative give-and-take that he had evolved with his Swedish ones. But the main obstacle is, surely, the subject. Although smaller scenes of specific nastiness are expertly executed—the self-hating Rosenberg hurling a stone through the shop window of a manifestly Jewish namesake, and thus alter ego; Nazi hoodlums torturing a Jewish nightclub owner; starving people feasting off, then selling the remnants of a dead horse in the streets—the overarching political drama eludes Bergman. He can couch it only in terms of science fiction, better handled by other directors from Fritz Lang to Stanley Kubrick; as for scenes of pursuit and hand-to-hand combat, they simply aren't his *métier*.

There is decent work from Gert Froebe as Bauer, and Heinz Bennent as Vergérus, but David Carradine's Abel remains oversimplified and inexpressive, the role and the performer sharing the guilt. Even Rolf Wilhelm's songs are only self-conscious imitations of Friedrich Holländer's marvelous ones for *The Blue Angel*. Decadence is not Bergman's specialty (perhaps because of his strict Lutheran background): the homosexual orgy in *Face to Face* was a failure, and so is a scene here with Abel, a disturbed black man, and two Berlin whores, in which even the language (presumably Englished by Alan Blair, Bergman's usual subtitulist) becomes embarrassing. But there is good production design by Rolf Zehetbauer and acceptable costuming by Charlotte Flemming, photographed to moody perfection by Sven Nykvist.

The published screenplay, which, as customary with Bergman, is more prolix and ineffectual than the film, sports an epigraph from Georg Büchner's *Woyzeck*: "Man is an abyss. I get dizzy looking down into it." It may be the best thing about *The Serpent's Egg*. □

# DELECTATIONS

## WINERIES UNLIMITED

NIKA HAZELTON

Early last December I went to Lancaster, Pennsylvania to judge wines at a trade show called Wineries Unlimited 1977, put on by a magazine called *Eastern Grape Grower*. The event featured more than two hundred wines produced east of California, and included technical seminars for people in the trade. It was held in one of those astonishing so-called "resorts" that cater to conventions, complete with indoor skating rink, health clubs, sports, and rather dreadful food.

However, this was of no great importance. What was important was the overall view one got of the grape-growing and wine business in places like Arkansas, Michigan, Indiana, Ohio, and Pennsylvania, which one doesn't usually associate with wine, plus of course New York State. Some thirty new wineries have begun production in the Midwest and East in the last several years; wine has certainly become a national interest. The resurgence has also been helped by relaxed state laws about wineries, wine selling, and taxes. (Not that California need worry; I imagine that it will always be the leader, by a very wide margin, in American wine.)

The wines submitted for judging were made from the native American



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grapes (Labrusca), the French hybrids, and the Vinifera varieties (from which European and California wines are made). The native varieties are scorned by wine snobs; even many non-snobs, used to Vinifera, won't tolerate their so-called "foxy" flavor, reminiscent of the muscat grape. However, being native to our continent, they not only can withstand, but thrive in, our various climates—unlike Vinifera varieties, which don't like excesses of either heat or cold. If you want to grow Vinifera in a climate like upstate New York's, you've got to put in an awful lot of time and trouble. It can be done: the New York State Rieslings of Dr. Konstantin Frank and of Herrmann Weiner can be favorably compared to their German prototypes; they are very fine indeed. In Michigan, Tabor Hill also makes good Rieslings; it all goes to show that, when growers want to bother, Vinifera can be grown successfully in the Northeast. Interestingly, many of the small vineyards now go into at least some Vinifera plantings.

BUT THE PRACTICAL grapes are the French hybrids, developed from native strains and Viniferas as a compromise that will grow in adverse climates and, depending on the variety, give large yields. (They were originally developed in France, on the sly—French law prohibits planting them, but their practicality makes them so attractive that some growers have gone ahead with them.) French hybrids are what people plant when they want to avoid the stigma of the native varieties; so, predictably, French hybrids featured prominently in the Lancaster show. Whites, rosés, and reds were all offered. I did not judge them; but other wine writers who did were surprised at the variations in quality. Some were undrinkable, but many were perfectly nice table wines—wines that were without pretension, but that would make pleasant drinking with meals.

The Vinifera wines—Chardonnays, Pinot Noirs, and Gewürztraminers, to mention the most common ones—also varied enormously in quality. I did not judge them either, but tasted a number of them. What surprised me was that so few of the producers seemed to have attempted to learn anything about the prototype of their wines—they just went ahead blissfully, and sometimes very ignorantly. I would think that if you wanted to make Chardonnay, you'd drink a few Burgundies and California Chardonnays (some of which are excellent) to find out what the progenitor of your own wine was like. Not so; people I talked to seemed to think that since the grape was Chardonnay, Chardonnay the wine would be—as indeed it will, but what *kind* of Chardonnay is another question. Ah well, people will learn; though some ways of learning are more expensive than others. Taking technical courses in winemaking is one of the cheaper ones, but remarkably few of the smaller and newer wineries seem to have chosen it.

But, generally speaking, it was wonderful to see that interest in wines and winemaking is no longer confined to New York and California. Once the interest is there, the quality is certain to follow; we need only remember California at the end of Prohibition.

I volunteered to judge the "native Eastern categories" with two colleagues, Ruth Ellen Church of the *Chicago Tribune* and Ron Fonte of the Amis du Vin. I thought that never again would I have a chance to taste my way through some forty of these wines, which I don't normally drink. The judging was blind; we were given numbered glasses, poured elsewhere, of the various categories. We considered the wines on the usual points of appearance, color, bouquet, acidity, sweetness, body, flavor, bitterness, astringency, and general quality, as well as on how close they came to their prototypes. Interestingly, the winery you would expect to know how to make wines from native grapes did indeed: Manischewitz' Cream White Concord took first place. It was the first time I had drunk the wine, which was very smooth and, though obviously tasting of the grape, not foxy.

If you want more information on the subject, I suggest you write *Eastern Grape Grower and Winery News*, 307 North Franklin Avenue, Watkins Glen, New York 14891. When you travel, remember that most wineries welcome guests, have tours, and give tastings. *Eastern Grape Grower* can give names and addresses. Or, if you see any vineyards along the way, ask locally about the wineries. □

# The GIMLET EYE

## HEALTH FOOD

### D. KEITH MANO

Wanna know if you're eating a health food? Right: just ask yourself five or six questions. a) Does it gum my teeth together the way raw DAP Spackle would? b) Is it booby-trapped with ground-glass-hard lumps that crack and splat and hurt? c) Does it taste of Maalox tablets what've been left in someone's overcoat pocket since last winter? d) Does my stomach ping, purse up, and still feel empty afterward? e) Does it cost so much I might as well be eating a Ferrari seat-cover? f) Does it take hours to hash up, with lots of chopping and hand kneading and mantra chanting and expensive utensils? One *yes* and you've got a simon-pure health food: no jerk, not even you, would go through such concentrated misery otherwise. Bee pollen, for instance: bee pollen is so damn healthful it'll turn your throat into a Greyhound exhaust pipe. Dr. Jacobus Rinse's famous breakfast, though hidden in applesauce, still makes crushed sidewalk seem haute cuisine by comparison. And I say mung beans on it all. Civilized people aren't meant to live like they were full-time gizzards.

It's Gastrointestinal Chic is what: the World's Fair of Health under Madison Square Garden. Dragon's milk and dandelion coffee and kuzu root tea and



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green clay and seaweed soap and liquid garlic. Plus machines that, for half a dollar, will snatch your arm like a starving python and read painful blood pressure off. Eavesdrop on this knuckleball sales pitch:

"AVAIL comes in two forms. One for men, one for women. Prostate extract for men, ovarin extract for women."

"What'll it do?"

"You know. Hum. Something for men, something for women."

"Something what?"

"Well. Ah. You look about fifty. It'll give you the sexual stamina you had when you were eighteen."

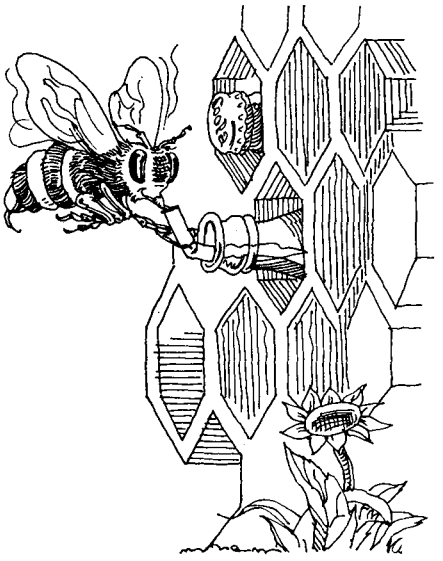
"I was impotent when I was eighteen."

"Oh. You were? Well, it has Vitamin C, too."

And ginseng, ginseng, ginseng. Ginseng represents the entire useful export, refugees aside, of Communist China. Sold in America by, aptly enough, Red Roots, Inc. One very old, very anthropomorphic morphed ginseng root can ring up $1,000. Dig it, Comrade. "Many users claim [ginseng] gives increased energy and vigor. If herbal medicine does work, most people agree that it would be a vast improvement over our drug-oriented medicine. . . . in the traditional Chinese society, doctors were paid by their patients when they were not ill! They were not paid to treat those who were *ill*, but to keep everyone healthy!" Which must've put a fat premium on hypochondria.

THE WORD "natural" turns me flatulent, and in this joint, baby, you could die a "natural" death. Natural, see, is good: like poison ivy and earthquake and yellow fever. "Corovil does not use any chemical substances in its preparation, and is entirely elaborated from 'marine algaes' and extracts from 'medicinal plants'." And just what do these ignorami think their elaborate extracts are? Chemical substances, of course. Hell, it's unnatural to Osterize carrot juice out. If God had wanted liquid carrots, He'd have made them bubble up from under a rock. Tobacco is natural; Terramycin isn't.

Every age or sub-age has had its noble savage fad: noble savages without dengue or trachoma or brutish, short lifespan: frivolous as peasant-for-the-day games at Versailles. "America has more hospitals, more physicians, the highest medical bills, and more and



more synthetic drugs. . . . why is there more heart disease, more cancer, and more degenerative diseases than in other countries?" Well, you ask that one of somebody who hangs out in a Calcutta slum: he wouldn't mind living long enough to degenerate: or where his heart disease might get noticed. He'd like to be a statistic, even negative. Your health food foofaraw, when it isn't just high-profit small agribusiness, is part of the ecological offensive drive against Man as Maker. We have become disillusioned with human effort, progress. And, more particularly, with the artificing mind. Because creativeness requires action; and action will involve mistakes, responsibility, guilt: deeds of noble note are not done without risk. But natural folk don't want to pick up the Tab can for that. They commit menticide and go on eating algae. A natural, says the dictionary, is an idiot.

And they bilk you with fear. There's enough cancer scare jive to give me a nice carcinoma. For just $119.95 I can snap up the Hurley Water Purifier and Polisher that "Removes chlorine, dead bacteria, smell, and cancer-causing agents in your drinking water." Or for $12 I could have my diet computerized, "to uncover nutritional shortcomings that can lead to major diseases such as cancer, heart disease, diabetes, etc." I've got symptoms of etc. right now. All on a par with the "air quality is unacceptable today" report in your 7 A.M. news brief. Do we really need to hear that? Should we dress differently or is it sufficient if one looks overtoxified? Or should we go back to that horse and very buggy era, which, on an average New York day, laid out several thousand tons of disease-rich manure, killing people off like the flies should have been—more deaths per hundred than carbon monoxide ever brought about?

The human body will adapt. After seven decades or so, I suspect that a chemical environment is now our "natural" environment. Health food probably has quite deleterious effects. One recent announcement suggested that the low incidence of stomach cancer here (vis-à-vis Europe) was due, not to bee pollen, but to artificial preservatives in our breakfast cereal. Who can tell? You want my honest opinion: my honest opinion is that Coca-Cola is the best health food around: placates nervous stomach, soothes diarrhea, gives a better-than-ginseng energy charge. Some bourbon in it doesn't hurt either. Naturally, if Coke came from Red China, rooted up by people wearing pajamas, they'd get $50 per bottle at your local health-food store. □

# BOOKS IN BRIEF

BROTHERS IN BLOOD: *The International Terrorist Network, by Ovid Demaris (Scribner's, 441 pp., $12.95).* The terrorist has no code of honor; civilization is merely the theater for his barbarous acts, which reflect a nihilistic state of mind. Sergei Nechayev's *Revolutionary Catechism* captures the essence of this creature: "Night and day he must have but one thought, one aim—merciless destruction . . . he must be ready to destroy himself and destroy with his own hands everyone who stands in his way." Demaris serves up this and other observations upon the nature of his subject. Unfortunately, he is unable to move in for the kill, and, for that reason, reading this sprawling account is an exercise in frustration. Demonstrably outraged by the terrorists' depredations, Demaris remains stuck in a philosophical goo that causes him to recoil from the remedy of repression. He is actually troubled that the German government would resort to extraordinary security measures to ensure the imprisonment and trial of the Baader-Meinhof gang. He grimly warns that the ultimate terror of nuclear blackmail is within the reach of the thugs. But his real gloom comes in the acknowledgment of Walter Laqueur's assertion that terrorism recedes before a calculated repression: mournfully, Demaris concludes by wondering which is worse

ALAN L. MILLER

*(Continues on page 297)*



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# Dark Horses

M. STANTON EVANS

COMES NOW A SPATE of books about the federal courts and their mishandling of our fundamental law. Foremost among these is Raoul Berger's *Government by Judiciary* (Harvard University Press, $15), which I discussed in the *NR Bulletin* (February 10) and M. J. Sobran Jr. reviews at length in this issue (p. 283). In view of these more extensive efforts I shall here touch only on the highlights.

Berger's book is a study of the Fourteenth Amendment and the many instances in which it has been used to convert the American system into a unitary national state, chiefly by "incorporating" the federal Bill of Rights against state governments and making virtually every zone of legal conduct a subject of national adjudication. Berger shows the error of this policy, demonstrating that the Fourteenth Amendment was never intended to do such things—was limited, in fact, to specific subjects (access to the courts, the right to own property) and did not include such matters as segregated schools and voting qualifications. Given his prestige among the Left intelligentsia, the book is an intellectual and political bombshell.

Taking a less condign view of the subject than Berger, but nonetheless supporting the thrust of his argument, is Carrol D. Kilgore's *Judicial Tyranny* (Thomas Nelson, Inc., 506 Wiggins Drive, Nashville, Tenn. 37214; $11.95). Though he doesn't deny the incorporation doctrine outright, Kilgore attacks the Warren Court for its manipulation of "due process" and notes the absurdity of using constitutional safeguards meant to protect the states (e.g., the First Amendment's prohibition against federal law respecting state religious practices) as a means of subduing them. He is scathing in his treatment of the Warren Court's methodology, which, as do many other scholars, he finds slipshod, ideologized, and relentlessly nonjudicial.

Kilgore's approach is highly original in that he often agrees with the results of a decision (*Brown* v. *Board of Education*; cases involving the rights of criminal defendants), but attacks the reasoning by which it was arrived at. His basic criticism of the modern court is that it has abandoned its role as interpreter of the law and sought to become a law-making body, usurping the power of Congress and state legislatures alike. He focuses especially on the prospective (and detailed) rule-making that became pronounced with *Mapp*, declaring certain practices verboten after a given date though permitted before it. This procedure, he concludes, is the opposite of judicial, since instead of proclaiming what the law has been and is, the court is self-consciously changing the law (and in effect admitting it).

RICHARD Y. FUNSTON, professor of political science at San Diego State University, pursues a similar line of reasoning in *Constitutional Counter-revolution?* (Halsted Press, One Wiley Drive, Somerset, N.J. 08873; $17.50), a richly documented study of the transition from the Warren to the Burger Court. His basic argument is that, on the whole, there has been no major break in continuity (more's the pity).

Funston is something less than a doctrinal conservative, but amply shows the ill effects of abandoning the known and certain rule of law for a process in which Supreme Court justices sit in perpetual legislative session, with power over every phase of national life. The end result of such behavior, he demonstrates, is a Sargasso Sea of legal uncertainties—an incredible morass of line-drawing, balancing, grappling for rules of "fundamentality" and reasonableness, attempts to define "penumbrae" and "core values," and endlessly tortured backing and filling that obscure all hope of constitutional certitude. The only safeguard remaining to us, it seems, is the discretion of transient court majorities, which come and go according to the tides of politics or intellectual fashion. □


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(Continued from page 280)

fense at their running for office on anti-abortion platforms. Mayor Poelker was "one whom the record shows campaigned on the issue of closing public hospitals to non-therapeutic abortions." The majority of voters who elected him were described, strangely, as a "presumed majority." The majority was declared to have acted "punitively." "This," Justice Blackmun declared with hauteur, "is not the kind of thing for which our Constitution stands."

The most consistent notes in the three dissents were their distrust of democracy, their sense that if the people as a whole had a voice their cause would lose, and their conviction that the consciences of the abortion-seekers alone were to be respected. That members of the majority had consciences, too, escaped them.

Congress in 1976 had passed a rider to the Labor-HEW Appropriations Act banning the use of welfare funds for abortions other than those necessary to save the mother's life. Named for its author, Representative Henry Hyde (R., Ill.), the rider had passed easily, with a number of senators no doubt voting for it in the belief that the courts would knock it out as unconstitutional. A single federal judge in Brooklyn, John Dooling, had promptly fulfilled these expectations. He enjoined enforcement of the rider. Article I of the Constitution has generally been understood to give to Congress alone the power of appropriating money from the Treasury, but this single federal judge, ordering the United States to pay for abortions, made his own appropriation from the Treasury. He was inhibited by nothing until *Poelker* v. *Doe* sent him a new signal. Suddenly the Hyde amendment appeared constitutional. Judge Dooling allowed it to go into effect in the closing days of the voting on 1976 appropriations.

Attached to a law which expired in September, the Hyde amendment, to have continuing effect, had to be reenacted for 1977 appropriations. On June 17, 1977 the House passed it, attached to the Labor-HEW appropriations bill. The vote was 201 to 155, a solid margin. Twelve days later the Senate defeated, 55 to 39, Senator Schweiker's attempt to salvage it, a solid margin the other way. From that date to December 7, the House and Senate failed to agree on language, and the appropriations bill languished.

The Republican leadership tended to be for the Hyde amendment, the Democratic leadership against. John Brademas, the Majority Whip in the House, steadily opposed it, and Robert Byrd, the Majority Leader, voted against it. John Rhodes, the Minority Leader in the House, and Robert Griffin, who preceded Howard Baker as Minority Leader in the Senate, were pro-Hyde.

In the Senate, the opposition to the amendment was led by the Republican Edward Brooke, ably seconded by the Democrat Warren Magnuson. The amendment's champions were Richard Schweiker, Ronald Reagan's designated running-mate, and Jesse Helms, the Republican from North Carolina. In the House, the amendment was opposed by Republicans such as William Cohen of Maine and Democrats such as Elizabeth Holtzman of New York. The leaders opposing funding were the Republican Hyde himself and a Democrat, Daniel Flood of Pennsylvania.

Not only were the parties split, so were the intraparty factions and the geographic regions. In general, "coast" senators, whether East Coast or West Coast, were against the Hyde amendment. But there were notable exceptions: Hatfield of Oregon, Durkin of New Hampshire, Biden of Delaware. In general, the Middle West was pro-amendment, as were Eagleton and Proxmire, but Percy and Stevenson of Illinois were anti. Newly elected Republicans like Danforth and Lugar were pro-amendment, but Hayakawa was opposed.

A number of senators must be assumed to have voted their consciences, rather than the will of their constituencies. Oregon produced Packwood and Hatfield: at opposite poles, one of them must have been exercising rare independence. Massachusetts produced Kennedy and Brooke: on the same side, they took a stance quite different from legislators far closer to the grassroots in the Massachusetts legislature, which was militantly opposed to abortion funding. Similarly, Ribicoff and Weicker, anti-amendment, did not reflect Connecticut opinion. Congressman Hyde was no doubt more representative of sentiment in Illinois than the two Illinois senators who opposed his bill. Such disparities between popular opinion and senatorial conduct reflect the time lag, which tenure in the Senate assures, before the Senate fully responds to community demands.

The battle ended in unsatisfactory compromise; but, on the basis of what happened, three political conclusions may be drawn:

*First.* There now exist skilled and professional political leaders for the anti-abortion cause in the Congress. They include Schweiker, Helms, Flood, and the author of the life-saving amendment, Henry Hyde.

*Second.* There now exists an effective coalition against abortion in the House. Although on the last roll call, with the House leadership going all out to enact the $60-billion bill before Christmas, a few members shifted to produce the compromise, there was basically a pro-Hyde majority. Those who stayed with the amendment through thick and thin are a bloc large enough and committed enough to have a major say in any legislation touching on abortion. Behind them is a constituency spread throughout the nation, transcending any party, any religious grouping, any sectional bias, a constituency which is a majority of Americans. That constituency represents power. It is a power which can be exercised.

*Third.* The abortion issue has come to stay. It has shredded party, regional, factional lines. It is not what any politician would have wanted. But it is an issue which is so divisive, whose roots are so deep, that it will not go away until it is faced and cleanly grappled with. The issue which Congressman Mahon wished himself rid of centers on the deliberate taking of human life. His colleagues will not be able to go campaigning in 1978 with "the thing" disposed of. □

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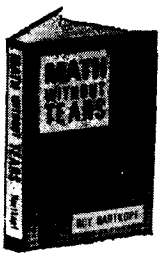

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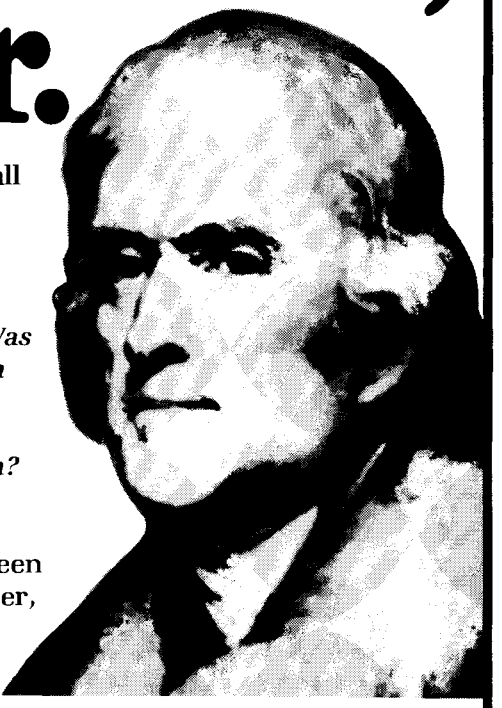

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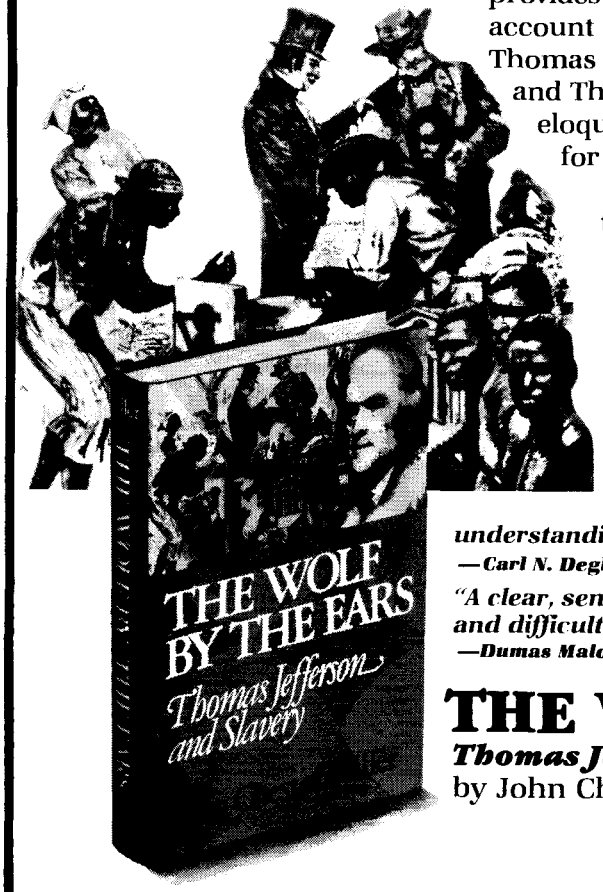


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Kill him!



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## BRIEFS

(Continued from page 292)

TRUCK: *On Rebuilding a Worn-Out Pickup, and Other Post-Technological Adventures, by John Jerome (Houghton Mifflin, 145 pp., $6.95).* In his witty and entertaining account of rebuilding a derelict Dodge pickup, John Jerome discovers an ethic for the age of technology. His restoration of the old truck is really a restoration of its spiritual equivalent—the battered but still serviceable Puritan faith in hard work and stubborn independence. For the past two hundred years, technology has steadily eroded human responsibility. Nowadays, the mechanical slaves often seem to have made their human masters obsolete. But as he scrubs dirty parts and repairs worn-out ones, Jerome implicitly reminds us that technology depends upon human responsibility. Machines do not possess a will or meaning of their own; they are helpless without the decisions of men. Even though Jerome personifies his truck—he addresses it by human names, and the New Hampshire barn in which he houses it once sheltered livestock—the machine itself remains as coldly inscrutable as the bitter winds and drifting snow of a New England winter. Like the shrewd and canny Puritans who brought human purpose to bear on a harsh and indifferent nature, modern man must learn to bring purpose to an amoral and uncaring technology.

JOHN R. BOLY

CANNIBALS AND KINGS: *The Origins of Cultures, by Marvin Harris (Random House, 239 pp., $10).* In his latest attempt to turn history into cultural determinism, anthropologist Marvin Harris (*Cows, Pigs, Wars, and Witches*) provides much sense but, unfortunately, too much nonsense along with it. I have no argument with Harris' belief that successful cultures (those that continue to offer high living standards) are those that replace obsolete technologies with more efficient ones. And I am ready to consider his contention—however simplistic—that increases in population have, historically, led to an intensification of production which depletes resources needed to sustain technologies (hunting, agriculture, industry, for example). However, Harris offers few facts to back up his theories and relies too much on sensationalism to beef up his text. Harris says, "The ability to maintain living standards depends on the outcome of a race between technological advance and the relentless deterioration of the conditions of production. Under the present circumstances, technology is about to lose the race." With what results? Chaos? New cultural patterns? Harris promises a future technical volume, which I hope will clarify his present mishmash of ideas.

THOMAS BRIDGES

## OLIVER

(Continued from page 277)

Bishop Pae's plans. He had Bishop John Howe (the Secretary General of the Lambeth Conference) call Pae and tell him that if he went to Denver, Canterbury would cut off whatever support to the Korean diocese it was in his power to cut off. (Feed my sheep.)

So Bishop Pae was forced, for the sake of his own congregations, to stay home. But he did send a letter to Bishop Chambers which was read at the consecration ceremony: "I hereby give my consent to the consecration of the Venerable Charles Dale David Doran to be a bishop in the Anglican Communion." Bishop Pae's letter was his statement that he is satisfied that Doran is not a schismatic.

### After Denver

But there was more. The Supreme Council of Bishops of the Philippines Independent Catholic Church—whose four million members number about a million more than the U.S. Episcopalians—had voted to award Bishop Chambers the Bishop Aglipay Cross, an award they had given only once before, to the previous Archbishop of Canterbury, Michael Ramsey. At the consecration ceremony Bishop Pagtakhan read a letter from the Filipino bishops praising Chambers and his sympathizers for their "Christian courage in maintaining the essence and precepts of the Catholic faith"—further consent to the nonschismatic nature of the Loyalist. In the jet age, when heresies and schismatic ideas can travel across continents as easily as across provisional boundaries, Bishop Pae's letter and the award from the Philippines might reasonably be considered testimonials of consent about the new bishop from comprovisionals.

So it was that Bishop Chambers and Bishop Pagtakhan consecrated Dale Doran first. Thus, like a chess player who can turn a pawn that reaches the back line into whatever piece he needs, the Anglican Loyalists turned Doran into a bishop—which again gave them three—and then proceeded to consecrate the remaining newly elected bishops.

Of course PECUSA will continue to claim the consecrations in Denver were illegal and irregular. Illegal they surely were—they broke PECUSA's rules—but that won't bother the Anglican Church of North America. Whether they were irregular is more questionable, given the consent from so many other bishops in the Anglican Communion. But there can be no question as to their validity.

Where will the Loyalists go from Denver? One might ask first where the Episcopal Church can go. After its stands on the prayer book, divorce, abortion, the "ordination" of women—and of lesbians—are there any scandalous positions left unclaimed by PECUSA? Only two: blessing a homosexual "marriage," and "consecrating" a woman bishop. Unlike the "ordination" of a woman to the priesthood, "consecration" would spell disaster because it would cut the chain of apostolic succession. That is probably the limit beyond which PECUSA can't go.

But by then will there be any Anglicans—or even Episcopalians—left in PECUSA? Or will the new Anglican church have lured them all away, and won the day? As it did in a city on a hill more than five thousand feet up in the air, in plain sight of all the world, and in the presence of a thousand witnesses, this day in Denver. □


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# On The Right

## The New Labor Bill

*New York*, Feb. 18—I am late in paying disrespect to the so-called Labor Reform Bill, but not too late. It got through the House of Representatives, which passed it with sycophantic speed lest the powerful labor unions have grounds to suspect the House of independence. The bill comes up now before the Senate, which will consider whether to write into law what Mr. A. H. Raskin of the *New York Times* has labeled "pushbutton unionism."

The background of this bill is the poor performance in the postwar decades of organized labor. At the end of the Second World War, 35 per cent of all nonfarm labor was union. Thirty years later, that figure had dropped to 25 per cent. Why?

A principal reason for it is the forthright search for non-union labor. Now that search is not something that is *eo ipso* un-American. It can mean that an enterprise is in search of dirt-cheap labor. But more often than not, it doesn't mean that so much as it does the search by a commercial enterprise for a working force not subject to labor union politics. Labor union politics means in case after case the desire of an ambitious unionist to climb his own organizational ladder by demanding more and more of the employer. Given the highly preferential treatment of labor unions by the Wagner Act and the Norris–La Guardia Act, the leverage of individual unions is enormous. The exercise of that leverage, through the picket line and the superstitious refusal of otherwise adult and responsible people to cross it, results in such chaos as a few years ago closed down all newspapers in New York City in response to the picket line of a single union, and ended by bankrupting a total of four newspapers. That was considered a great triumph for the unions: the disemployment of ten-thousand-odd people, and the journalistic impoverishment of the largest city in the United States.

No, the principal means by which businesses that seek to avoid labor unions operate is to make it unnecessary for workers to demand that a union be recognized. This is done, in the case of enterprising concerns, by offering wages at least as high as those that could be extorted by unions; by coming up with a package of fringe benefits; and by seeking an atmosphere of cooperation. The result has been the creeping de-unionization which is such an affront to George Meany, causing him to take his legislators in hand. In 1975 and 1976, 52 per cent of the elections held to consider the question of unionization resulted in union defeat. In the decade ending in 1976, 612 workers' unions were dissolved after free elections. Clearly something had to be done.

The politics of the movement is closely related to the drain to the Sunbelt of industry once lodged in the heavily unionized Northeast. Frank Thompson, congressman from New Jersey, is the principal sponsor of the bill, and he is unabashed in speaking of it as a bill to prevent business from heading south. That migration was initially prompted, no doubt, by the existence of cheap labor. It is, by the way, no more disgraceful for a business to launch itself where labor is cheaper than it is for a housewife to patronize the grocery store where chicken is selling for a dollar rather than a dollar and a quarter. But, as always happens, the laws of arbitrage set in and now there is not that much difference between what you need to pay a skilled worker in Atlanta, Georgia, and in Newark, New Jersey. The residual advantage lies precisely in moving a business from a location dominated by labor unions—with their eye to makework, to jurisdictional disputes, to featherbedding—to an area where a dollar paid will get you a dollar's worth of effort, or something like it.

Under the proposed law, the time between the certification of a union vote and the holding of the union vote is reduced to a ridiculous fortnight. Though, as we have seen, the rate of divorce is fairly high, mostly, when you wed a union, you make a permanent alliance. Thus the banns of marriage should be well publicized, and the existing 45 days during which both sides can present their cases hardly seems inordinate.

And then the bill is sprinkled with little explosives, designed to discourage employers from asserting either their rights, or the rights of those of their members who don't want to join a union. For instance, if a firm is caught violating a provision of the National Labor Relations Act (and such a judgment is often discretionary, and sometimes arbitrary), that firm would be forbidden from bidding for government work for a period of three years. Some way to help the working man! Some way to reduce unemployment! Some way to advance human freedom! □

### THE DIRTY INTERVAL

*New York*, Feb. 16—Drawing attention to the book by Frank Snepp brings to mind the philosophical problem posed by *Mapp* v. *Ohio*. There the Supreme Court ruled that any evidence unlawfully secured cannot be used as evidence against a defendant. Frank Snepp was a CIA agent. Frank Snepp took an oath not to reveal information he gleaned as a CIA agent without first securing the consent of the CIA. Frank Snepp reiterated as recently as May 1977, in the presence of the Director of CIA, his intention to abide by his oath. Frank Snepp thereupon broke it, and published *Decent Interval*. By analogy with *Mapp* v. *Ohio*, one should ignore the book. Those who opposed *Mapp*, maintaining that evidence is evidence irrespective of how it is obtained, will do well to read *Decent Interval* and contemplate, with mortification, the grisly record of our last days in Vietnam.

Concerning the war itself, Snepp is detached. He sees reasons for prosecuting the war, and he sees reasons for never having gone into it. He sees no excuses for doing what we did on our way out, which was in effect to betray about thirty thousand South Vietnamese who worked for their country by passing along to us lifesaving information about the activity of the enemy. It was always implicit that, in the event of a total retreat, these people would be protected. They weren't. They were left to be tortured and killed by the North Vietnamese. We managed, through a combination of pride, ineptitude, and vainglory to do everything short of sending General Giap by certified mail the names and addresses of our most valiant South Vietnamese friends. Why?

For a number of reasons, explains the



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author, a young political affairs analyst who had senior responsibility in Vietnam.

There was the bureau chief of the CIA. Born a Hungarian, he was seduced by the Hungarian member of the cease-fire commission into believing that the North Vietnamese would negotiate at the last minute rather than overrun Saigon and establish unambiguously that what was going on wasn't a revolution but an invasion. Trusting his own judgment in the matter, this man tilted the evidence sent to Washington in such a way as to hold out hope that there would be negotiation. During the critical delay, evacuation plans that might have been undertaken were put off.

Our ambassador. The invincibility of Saigon became something of an article of faith. Accordingly, he would stare at the evidence, and underwrite for the benefit of Washington a romantic version of it. Partly he was playing the role of the optimist. Partly that of the diplomat who reasons that to give out bad news at home would have a demoralizing effect, causing Congress and the U.S. military to renege even on their already attenuated commitments.

THERE was Henry Kissinger. It was he who had spoken about a "decent interval," the purpose of which was to permit the South and the North to live apart from each other at least for long enough to probe the possibility of a settlement. Henry Kissinger had bludgeoned President Thieu into accepting the terms of the Paris Accords. Thieu objected that he would not bargain unless the North Vietnamese army retreated into its own territory. Kissinger insisted and, Kissinger having the cards, Kissinger prevailed. Kissinger's strategy was to demonstrate the reasonableness of Thieu, and to enforce the treaty by threatening U.S. aerial retaliation against Hanoi if Hanoi went back on the terms of the treaty. What Kissinger did not count on —how could he have?—was: Watergate. One must be cautious of explanations so facile, but it is all but indisputable that Nixon's tapes caused the downfall of South Vietnam. Because the political debilitation of Nixon made it impossible for him to exert such authority as a President would normally have exercised. When the time came to nudge Congress, to redeem the promises we had made, the only subject they were talking about up on the Hill was John Dean.

It is the special anger of Frank Snepp not that we lost South Vietnam—he is curiously philosophical about that. But that we betrayed those who trusted us most and exerted themselves most bravely in the common cause. The fact of it is that Thieu—whom we were called upon to disdain when in January he cried out against the impending catastrophe—was right. Thieu didn't know about Watergate, but his strategic hunch turned out to be apocalyptically correct. Meanwhile, in the countryside and in the villages, in the suburbs and in the city centers, victim after victim fell into the hands of the avenging terrorists. Frank Snepp tells the story in mordant, grisly, outrageous detail. And though one's sympathy is formally with those codes of conduct by which men must, to make common cause effectively, abide, still, weighed in the scales of the Old Testament, the justification for this book is its contents. □

## SEX AND JUDICIAL PROGRESS

*New York*, Feb. 14—Yet another of the birthday appraisals of President Carter's first year in office is under way, and we leave aside, in today's lesson, broad matters of domestic and foreign policy in order to examine the kind of thing that has grown up under the bureaucracy Mr. Carter vowed to combat on coming into office. In which office he inherited an obligation to discharge the law as enacted in Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, which legislation seeks to protect women, in the private and in the public sector, against discrimination in employment.

Early in President Carter's term of office the Court of Appeals for the District of Columbia found itself wrestling with the case of *Barnes* (Paulette) v. *Costle* (Douglas), which nicely illustrates a lot of things, including the way in which our distinguished judges find themselves spending their time.

What happened was this: The young lady was hired by a government agency, and her boss made a pass at her. Not merely one, one gathers, but a series of passes. As he grew more ardent, his inducements evolved into threats. Either she would . . . or he would fail to advance her in her position to a higher grade; or perhaps fire her. She stood by her virtue, and he finally contrived to declare the position she occupied unnecessary, thereby firing her through the device of eliminating the job she held. She sued. In days gone by, her weapon in court would have been very simple: in threatening her (in effect) what her boss did was to commit a tort action, for which he would be criminally liable under common law.

Ah. Not now. First, the lady, who by the way is black, did what comes most naturally and charged that she had been discriminated against because of her race. The trouble with that is that her boss is also black, so along the way she was persuaded to change her complaint and allege that she was discriminated against on account of her sex. But the lower court ruled against her, on the grounds that although ~~to~~ be sure she *is* a woman, it was her failure to comply with her boss's request to have sexual relations that got her fired, not the fact that she was biologically equipped to have such relations.

Now this had the effect of raising a very subtle point with which a higher court wrestled, namely, did Congress intend to protect people against discrimination as women exclusively, or was it required, really, that something other than being a woman was required before a woman could object? For instance, it is one thing to say: I'll hire a woman as readily as a man—but if the woman I hire gets pregnant, I'll let her go. On this point the court ruled that if the *factor* of gender figured in any way, that was enough to trigger the protective legislation.

But then the court came on this problem. What if the guy who wants the girl to have sex is also a gay? In other words, suppose today he propositions Jane, and tomorrow he propositions John? Well, in that case—sorry about that—the girl *can't* complain under this law. Because, you see, the boss is equally guilty toward guys as toward gals; and how can you therefore say that he is discriminating against women? I suppose one could say that the girl, by this reasoning, might have a case against the boss who propositions a guy more often than a gal and is therefore discriminating against her, though I hasten to add the court did not make this case.

I just finished saying that the boss is "guilty" of propositioning the girl. One judge was careful to say that the opinion (which was in favor of the appellant) did not go quite that far—the court is not to be accused of prudishness. "Sexual advances may not be intrinsically offensive," this judge explained, "and no policy can be derived from the equal employment opportunity laws to discourage them."

I mean, how are we going to breed more little bureaucrats if the court rules that a he-bureaucrat cannot make time with a she-bureaucrat? "We are . . . here concerned with social patterns that to some extent are normal and expectable. It is the abuse of the practice, rather than the practice itself, that arouses alarm." What was attempted on Paulette was okay, except for its having been conjoined with the threat to eliminate her job. Could the judge be saying that, in his learned opinion, the Equal Employment Act of 1972 did not forbid the practice of wooing a maiden? I think so. I think that is the kind of thing our laws are forcing our courts to spend their time explaining to us.

**(Washington Star Syndicate, Inc.)**



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# Trans-O-Gram

By SVEND PETERSEN

## DEFINITIONS

A. A form of larceny — 11 56 75 126 104 32 83

B. Darkened — 14 170 21 26 80 103 120 129 43 157

C. Club moss — 24 99 110 57 148 88 20

D. A Greek mathematician and inventor — 35 102 107 134 152 167 178 13 189 7

E. What baseball, basketball, and football players are — 66 45 135 184 22 179 33 116

F. The reputed inventor of algebra — 87 38 169 25 74 114 188 41 8 127

G. The scientific study of the nervous system — 105 23 149 137 155 47 159 34 176

H. Dimension — 53 10 46 69 79 92 101 125 138 182 68

I. A type of tumor — 4 50 59 62 67 71 78

J. What to do to encourage the grass — 111 145 166 100 156 52 160

K. A Greek geometer — 119 28 141 151 12 58

L. A subject taught in business schools — 142 73 77 70 124 39 49 63 113 154

M. Spreads by rumor — 163 136 15 2 112 90

N. An American operatic baritone (1896-1960) — 168 48 60 117 18 64 161

O. Jovial — 42 76 91 97 183 54

P. What a private club has the right to do — 171 174 153 186 61 121 19

Q. The people who run this often make mistakes — 180 51 146 29 132 27 162 36

R. Not transparent or translucent — 187 177 1 44 143 165

S. A woman of great wealth — 16 3 139 30 150 181 172 164

T. One of the three kinds of lies, according to Mark Twain — 65 86 185 94 109 130 106 173 122 144

U. Sapped — 72 31 37 81 118 131 96 115 140 17

V. A pattern of beliefs expressing often symbolically the characteristic or prevalent attitudes in a group or culture — 82 147 98 84 5 158

W. You probably won't be offered this drink until late in December — 93 40 55 6 85 89

X. Unscramble RICH MYTH — 123 95 190 175 108 9 128 133

## DIRECTIONS

The object of TRANS-O-GRAM is to fill out the puzzle diagram by guessing the words (above) from their DEFINITIONS, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled out it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the WORDS have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's New International Dictionary*, Second Edition.

See page 296 for Solution to last Trans-O-Gram.

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 R | 2 M | | 3 S | | 4 I | 5 V | 6 W | 7 D | 8 F | 9 X | 10 H | 11 A | | 12 K | | 13 D | 14 B | |
| | 15 M | 16 S | 17 U | 18 N | 19 P | 20 C | | 21 B | 22 E | 23 G | 24 C | | 25 F | 26 B | 27 Q | | 28 K | |
| 29 Q | 30 S | 31 U | | 32 A | 33 E | 34 G | 35 D | 36 Q | 37 U | 38 F | 39 L | 40 W | | 41 F | 42 O | 43 B | | |
| 44 R | 45 E | 46 H | 47 G | 48 N | 49 L | 50 I | | 51 Q | 52 J | | 53 H | 54 O | | 55 W | 56 A | 57 C | 58 K | |
| 59 I | | 60 N | 61 P | 62 I | | 63 L | 64 N | 65 T | | 66 E | 67 I | 68 H | | 69 H | 70 L | | 71 I | |
| 72 U | 73 L | 74 F | | 75 A | 76 O | 77 L | 78 I | 79 H | 80 B | 81 U | | 82 V | 83 A | | 84 V | 85 W | 86 T | |
| | 87 F | 88 C | 89 W | 90 M | | 91 O | 92 H | 93 W | | 94 T | 95 X | 96 U | 97 O | 98 V | 99 C | | 100J | |
| 101H | 102D | 103B | 104A | 105G | 106T | | 107D | 108X | 109T | 110C | 111J | 112M | 113L | | 114F | 115U | 116E | |
| | 117N | 118U | 119K | 120B | 121P | | 122T | 123X | 124L | 125H | 126A | 127I | | 128X | 129B | 130T | | |
| 131U | 132Q | 133X | 134D | | 135E | 136M | 137G | 138H | | 139S | 140U | 141K | 142L | 143R | 144T | 145J | | |
| 146Q | 147V | | 148C | 149G | 150S | 151K | 152D | 153P | | 154L | 155G | 156J | 157B | 158V | | 159G | 160J | |
| 161N | 162Q | 163M | | 164S | 165R | 166J | 167D | | 168N | 169F | | 170B | 171P | | 172S | 173T | 174P | |
| 175X | 176G | | 177R | 178D | 179E | 180Q | 181S | 182H | 183O | | 184E | 185T | 186P | 187R | 188F | 189D | 190X | |



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M SMTH020E- 000 7805 - 3 30 -

*by Sy Levin.*

I'm an advertising copywriter. And I had an assignment to create a message about the cost effectiveness of pharmaceuticals. In other words, that you get back what you pay for them.

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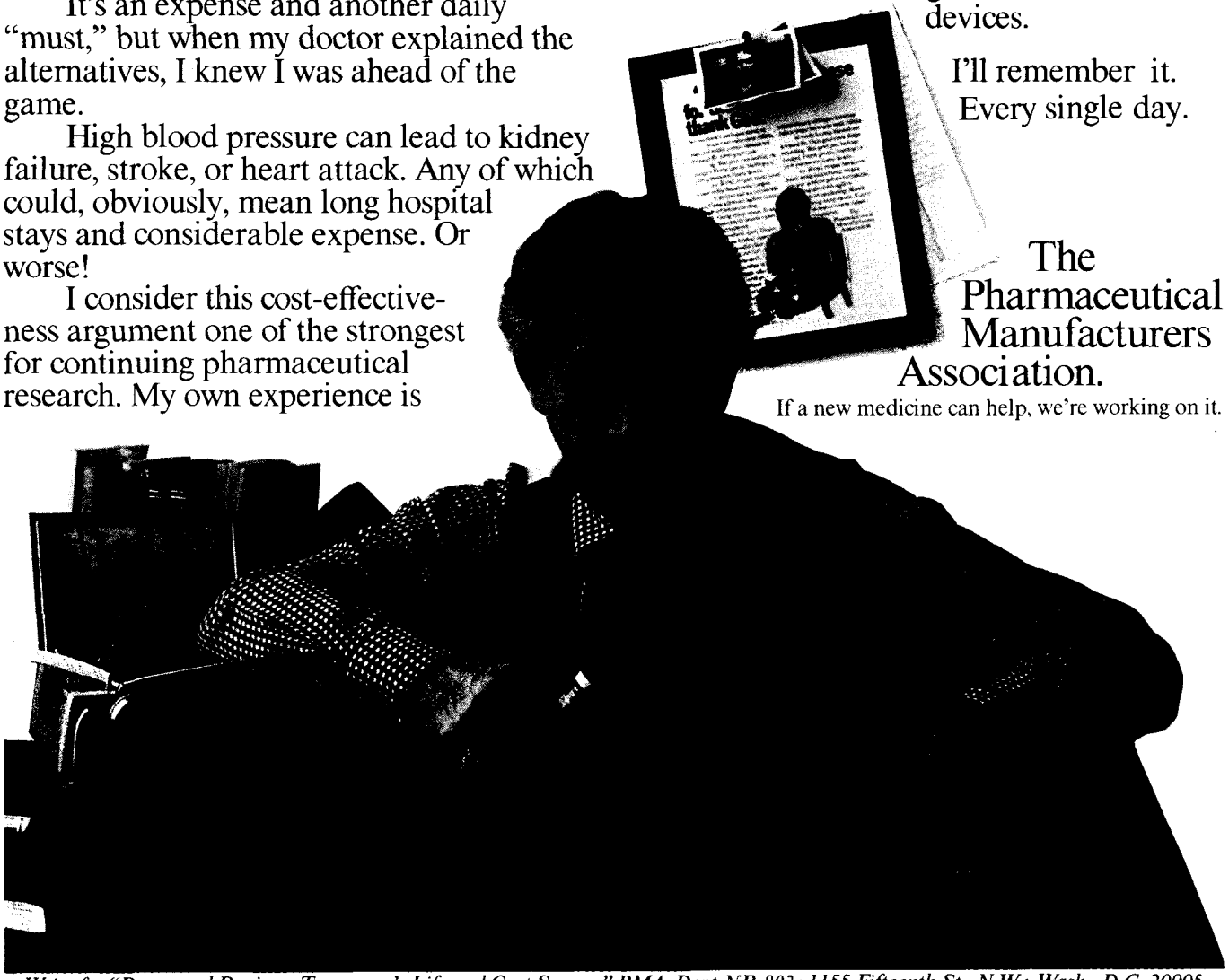
I'll remember it. Every single day.



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